ISLAMIC THOUGHT IN SOUTHEAST ASIA

NEW INTERPRETATIONS AND MOVEMENTS

Kamaruzzaman Bustamam-Ahmad
Patrick Jory

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Kamaruzzaman Bustamam-Ahmad and Patrick Jory

Preface

Recent years have witnessed a remarkable growth in publications on Islam in Southeast Asia, produced by both Muslim and non-Muslim scholars, inside and outside the region, in local languages as well as in English. Among the many themes that have attracted the interest of scholars, two in particular stand out: the dynamics of Southeast Asian Muslim interpretations of Islam, and Muslim responses to global issues (Woodward 2009). Scholarly attention to these themes has given rise to a series of important questions. How should we understand the production of interpretations of Islam within Muslim society in Southeast Asia? To what extent is the interpretation of Islam historically dependent? What are the roles of traditional educational institutions such as the *pondok* or *pesantren*[1] on the one hand, and modern ones like Islamic universities on the other, in the reproduction of interpretations of Islam in Southeast Asia today? What is the relationship between Muslim scholars' understanding of Islam and their engagement with the Western social sciences tradition, and how has this encounter influenced the conceptualization of Islam in Southeast Asia today? (Barton 1995; Siddique 1985; Federspiel 2001). How influential has the thinking of Muslim scholars from the Middle East been on Southeast Asia Muslims? (Azra 2000; Abdurrahman 2006). In particular, how have the works of Middle Eastern scholars of Islamic modernism in the contemporary era, such as Said Nursi, Seyyed Hossein Nasr, Abdul Karim Souroush, Abou al-Fadl, Abed al-Jabiri, and Tariq Ramadan, affected the thinking and work of Southeast Asian scholars of Islam? And given that Southeast Asia is home to one of the greatest concentrations of Muslim in the Islamic world – including the country with the largest Muslim population: Indonesia – how "authentic" is Islamic Studies in Southeast Asia? The Middle East, and the Arab world in particular, tend to dominate interpretations of Islam while Southeast Asia is often seen as a

peripheral region of Islam (Feener 2004). Yet could Islam in Southeast Asia, with its adaptation to diverse local cultures and comparative openness, be seen as a more authentic version of Islam than that currently practiced in the Middle East?

Historically speaking, what later came to be known as "Islamic Studies" was originally produced by *'ulama* and the traditional Islamic education institutions, namely the *pondok* or *pesantren*, and their networks in the Middle East (Azra 2001; Meuleman 2001; Laffan 2003; Abaza 1994; 2003; Othman 1998; 2005). From the colonial era certain Islamic issues, especially those related to public affairs (*mu'âmalah*), became a subject of interest for the colonial authorities, particularly when they were seen to encroach upon the interests of colonial government (Lukito 1998). This gave rise to an influential body scholarship on Islam produced by colonial scholars. Meanwhile, traditional Islamic education in the region was dominated by the study of the "yellow books" (*kitab kuning*) (Bruinessen 1999; Roff 2004), and the objective of such educational instruction was to point out the right path for Muslims to follow. Local *'ulama*s had very significant roles, not only in terms of producing, regulating and disseminating Islamic discourse but also in society more generally, particularly once local political elites had been either overthrown or coopted by colonial rule.

Following independence the influence of Islamic teachings in Southeast Asian Muslim societies came under increasing challenge from Western concepts such as modernity, secularity, and the new political ideal of nation-states (Hefner 2000; Brown 1995; Kahn 2006). The system of Islamic education also underwent far-reaching change, from one dominated by the *pondok* or *pesantren* tradition to schools that were influenced by Western educational models which attempted to blend the "Islamic sciences" and "secular sciences" (Sulayman 1997). As Omar Farouk Bajunid has argued, the advent of modern secular education profoundly affected Southeast Asian Muslims (Bajunid 1999). In recent decades as the traditional model of Islamic education in Southeast Asia was being challenged at home by Western educational models Southeast Asian Muslims have also been travelling to the West in increasing numbers to study Islam at the university level (Poeze 1990; Abaza 2003; Roff 1970). This encounter between the two educational models has led to a creative tension between Islam and Western values which has deeply influenced the development of Islamic studies in each country and the way in which Muslim citizens respond to international issues. In countries where Muslims are a majority the reform and adaptation of their educational system has been carried out with less controversy since a large part of the government is made up by members of the Muslim elite. However, for countries where Muslims are a minority, such as Thailand, the Philippines and even Singapore, the question of the development of Islamic education has been more contested.

Many Muslims suspect the intentions of non-Muslim governments and have striven to maintain the traditional system, often claiming that the issue goes beyond education to a struggle for cultural survival (Fealy and Hooker 2006; Gilquin 2005; Gowing 1985; Suhrke 1971). The development of the study of Islam in these countries lags substantially behind those with a Muslim majority. In the countries where Muslims are a majority Islamic Studies has been increasingly preoccupied with the question of how to respond to global issues – for example, democracy, human rights, and the "war on terror" – while in the Muslim minority countries the most important role of Islamic Studies has been to establish a clear identity for Muslims *vis-à-vis* the national interest (Liow 2009, McCargo 2008, Jusuf 2007).

The chapters included in this book were originally presented at an international workshop held by Walailak University's Regional Studies Program in Nakhon Si Thammarat, southern Thailand, in 2007. The workshop brought together a large number of young scholars of Islam in Southeast Asia, the great majority of whom are living and working in the region. The countries that are the focus of this book are Indonesia, Malaysia and Thailand; the former two produce the bulk of scholarship on Islamic Studies in the region, while Thailand provides an example of a country with a lesser developed Islamic Studies scholarship, and, as is well known, is currently experiencing a violent conflict in the south which has an Islamic hue.[2] The issues discussed in these chapters range from "liberal Islam" to Islamic religious and social movements, human rights, Islamic education, Islamic law, Islamic politics, the "Islamic State", and the question of identity in a region where Muslims are a minority. While grounded by local experience the chapters also draw upon a large corpus of Islamic Studies scholarship produced outside the region (Bayat 2005; Wiktorowics 2004; Azra 2003; Juergensmeyer 2003; Baderin 2003; Mansurnoor 2003, Noorhaidi 2000; Kurzman 1998; Dalacoura 1997; Mayer, 1995; Parens 1994; Binder 1988; Burke and Lapidus 1988). Apart from the final chapter,[3] all chapters in the book were written by young Muslim scholars who were raised and educated in Southeast Asia. Most of the contributors have received higher degrees from local as well as Western universities. Their disciplinary backgrounds range from Islamic Studies to political science, law, and anthropology. All are currently associated with Southeast Asian universities as lecturers or researchers and are deeply engaged with the public discussion about Islam and Muslim society in the Southeast Asian countries in which they work. Most write, teach, debate and argue in local Southeast Asian languages as well as in English. The essays collected together in this volume may thus be regarded as the expression of a dynamic new generation of Southeast Asian intellectuals currently teaching and researching in Southeast Asia in the various disciplines of Islamic Studies.

The book opens with a provocative examination of the indigenous roots of "liberal Islam" in Indonesia, written by Luthfi Assyaukanie of Paramadina University, whose association with the controversial Jaringan Islam Liberal (JIL) or "Liberal Islam Network" in Indonesia is well-known. Luthfi's chapter traces the intellectual ancestry and early networks of contemporary liberal Islamic movements in Indonesia. He argues that the inspiration for contemporary discourses of Islamic liberalism derive not only from the Western liberal tradition, as many conservative critics maintain, but also from the speculative tradition located within classical Islamic thought itself. In the case of Indonesia contemporary discourses of Liberal Islam are the heir of a lineage of interpretations of Islam developed and promoted by Indonesian Islamic scholars returning from the Middle East in the 19th century, as well as by more recent scholars such as Harun Nasution, Abdurrahman Wahid, Nurcholish Madjid, and others (Bustamam-Ahmad 2007; Hidayat 2005; Qodir 2002; Jabali and Jamhari 2002; Barton 1999; Barton 1997; Muzani 1994; Uchrowi and Thaha 1989; Nasution 1986). In Indonesia today liberal Islam is fiercely debated by proponents of more radical interpretations of Islam, a phenomenon that has been exacerbated by the politicization of Islamic Studies since the 11 September 2001 attacks (Munjid 2009; Jamhari 2003; Jamhari 2005; Vicziany and Wright-Neville 2005).

Nevertheless, contemporary formulations of "*liberal Islam*" still remain predominantly the pursuit of elite and middle-class Southeast Asian Muslims (especially Indonesians), often with a graduate education in Western universities. In an environment where postcolonialism and anti-capitalist sentiments exert considerable influence on Islamic discourse the Western associations of "liberalism" may be a handicap for its broader acceptance. Liberal readings of Islam compete with many other interpretations, articulated not only by *'ulama* or university scholars but also by states and religious bureaucracies. Indeed, the latter have far greater material resources at their disposal to disseminate their brand of Islam. In his chapter Kamaruzzaman Bustamam-Ahmad, an Acehnese scholar who works on Islam in Southeast Asia, examines how "liberal Islam" competes with two other well-known formulations, "*Islam Hadhari*" promoted by the Malaysian government during the tenure of former Prime Minister Abdullah Badawi (Badawi 2006), and "*Islam Progresif*", an umbrella term describing a typology of Islamic reformist thought. He argues that the often intense debate surrounding these interpretations of Islam in fact reveals a struggle over power and authority in Islamic Studies in Southeast Asia (Bustamam-Ahmad 2002; 2004a; 2004b; 2007).

The tension between state-promoted versions of Islam and popular Islamic social and spiritual movements is another theme of Islam in Southeast Asia today. One of the most notorious episodes was the Malaysian government's banning of the controversial Islamic

group Darul Arqam (Salleh 1994; Hassan 2006; Nagata 2004; Abdul Hamid 2004; Meuleman 1996), and the arrest and detainment of its charismatic leader Ustaz Ashaari Muhammad under the Internal Security Act in 1994. Ahmad Fauzi Abdul Hamid, whose research forcuses on Islamic political issues at the Universiti Sains Malaysia, examines the quiet revival of the banned sect under a new name, the Rufaqa' Corporation, to show that the spirit of the original movement and its extensive social and business networks remain very much alive. Ahmad Fauzi argues that despite its much maligned image, the Rufaqa' Corporation embodies one of the dreams of Malaysian state policy, the creation of an entrepreneurial, self-sufficient Malay Muslim class. His study of the controversial group highlights another crucial theme: the marginalization of Sufism in the modern development of Southeast Asian Islam, especially in the eyes of the state and modernist Islamic circles. The ambiguous status of Sufism has complex reasons but it is partly related to the bigger issue of the problem of Islamic education. Traditional Islamic education once nurtured the study and practice of Sufism, which focuses on one's personal, emotional, spiritual relationship with God. The declining influence of the *pesantren* and *pondok* has contributed to the marginalization of the Sufi tradition in formal expressions of Islam in modern Southeast Asian states (Howell 2001; 2008; Bruinessen and Howell 2007). The result in many cases tends to be the dominance of the literalist, formalistic, and legalistic aspects of Islam – particularly when reinforced by the strong arm of the state. In a similar way to "liberal Islam", the revival and popularity of "Neo-Sufi" (Howell 2001) movements such as Rufaqa' are testing the boundaries of tolerance for religious pluralism, both among Southeast Asia's Muslim communities and the states which govern them.

In recent years the issue of human rights has become a subject of considerable debate in Islamic Studies in Southeast Asia. Among the most controversial issues are the question of women's rights, religious freedom, the rights of religious minorities, and the practice of corporal punishment in some interpretations of the Islamic penal code. Eko Zuhri Ernada's chapter examines the status of the discourse of human rights in Indonesia at a time when the Western concept of human rights derived from the Enlightenment and Western political and legal thinking engages with an alternative conception based on Islam. Since the fall of Suharto and the New Order the Indonesian government has become more conscious of its international human rights obligations and at the same time is giving greater attention than ever before to the Islamic voices of the electorate. Eko argues that as in the case of Indonesian Islam generally, a plurality of views exists in relation to the issue of human rights. However, broadly speaking one can summarize the main views as falling into two camps which are in a state of tension with each other. The "conservative" view holds that Islam already encompasses the concept of human

rights, as laid out in the *Shari'ah*. A human rights regime based on the *Shari'ah* is their goal, since its supporters argue that the human rights of Muslims have long been abused by authoritarian (often Western-backed) states, a theme that can be found in Muslim thinking not only in Southeast Asia but across the Islamic world. They key point is that the human rights of Muslims as articulated in Islam can only be guaranteed under an "Islamic State". The contending view accepts the legitimacy of a liberal, secular-based concept of human rights based on the United Nations charter, but regards this as not inherently incompatible with Islam (Baderin 2003). Indeed, some Indonesian Islamic scholars have argued that the common religious and philosophical roots of Islam and the Judeo-Christian tradition means that there is much ground for negotiation between Islam and modern, secular notions of human rights.

The increasing reference to Islamic law in public debate is an undeniable feature of contemporary Southeast Asian Islam. The case of Indonesia is again germane, given the pluralism of its legal system. Ratno Lukito, who works on issues concerning Islamic law and legal pluralism at the State Islamic University of Sunan Kalijaga in Indonesia, points out that since the colonial era Islamic law in Indonesia has had to compete with not only the civil law system which was introduced by the Dutch colonial authorities, but also with the myriad of *adat* or customary law traditions used by diverse communities throughout the archipelago (Lev 1972; Holleman 1981; Benda 1958). Although the tolerance of this legal pluralism has been a consistent policy of Indonesian governments since independence, the political centralization that took place during the New Order years in fact largely eroded the authority of *adat* law, while Islamic law was viewed with suspicion by the state largely due to the "Darul Islam" separatism movement following independence. The status of Islamic law, however, began to improve in the latter part of the Suharto era, when for political reasons the regime began to make conciliatory gestures to the Muslim community. Since *Reformasi* and the democratization of the Indonesian polity Islamic law has made great advances while *adat* has become more and more marginalized (Wahib 2004). The real competition now is between state law and Islamic law since both are "similarly uniform and aim for a national jurisdiction". As Ratno points out, the advance of Islamic law should be seen as representing not merely the increasing prominence of a legal code based on sacred scripture, but an expansion of the legal powers of the state.

The enhanced status of Islamic Law has been accompanied by the rise of Islamic politics in Southeast Asia – as elsewhere in the Muslim world – over the last three decades. A key area of debate has been the question of how compatible Islam is with liberal democracy. Abdul Gaffar Karim of Gadjah Mada University, Indonesia, shows in his chapter that in the case of Indonesia it was precisely the opening

up of democratic politics in that country following *Reformasi* that has given politicians with an Islamic background the opportunity to win political power at the national level. Gaffar's study highlights a neglected aspect to the much discussed debate about Islam and "secularism" – that of competition between rival elites. His case study describes the rise to political prominence in post-New Order Indonesia of a local ruling elite on Madura island whose political influence derives from its control of the *pesantren*, or traditional Islamic boarding schools, over many generations. Drawing on Weber's conceptualization of authority Gaffar makes the broader point that the political success of influential local Muslim elites via the new electoral politics in Indonesia is a good example of how traditional authority based on family, patronage networks and educational achievement is now being augmented by "legal-rational" authority.

The great importance of the Islamic education system to local communities, this time in southern Thailand, is also the theme of the chapter by Faisol Haji Awang, a scholar from southern Thailand's Yala Islamic University. Faisol examines the new initiatives undertaken by the Thai government to reform Islamic education in Thailand's southern border provinces in the wake of a renewed outbreak of violence since January 2004. The conflict is currently Southeast Asia's bloodiest, with over 4,000 people having lost their lives. Southern Thailand, the location of the former sultanate of Patani, occupies a special place in the history of Islamic education in Southeast Asia. In the 18th and 19th centuries it produced some of the region's most famous Islamic scholars, and the treatises they wrote were (and in some places still are) studied in Islamic schools throughout Southeast Asia. Indeed, Patani's *pondok* system became a model for Islamic education elsewhere in Southeast Asia. The region's former prestige as a center of Islamic scholarship is a great source of cultural pride for Patani Malays today. It is not surprising, therefore, that the Thai government's attempts over the last 50 years to reform the system has long been viewed with great suspicion by the local Patani Malay community. The government has once again embarked on a program of reform that has sparked renewed concerns from the local community. Apart from the intense political pressure to conform, applied especially to those *pondoks* that are suspected by the government as having links with the insurgency, the injection of funding by the Thai government has added a powerful economic incentive for Islamic schools to accept the Thai government's reforms. While local Muslims recognize that, like Islamic education all over Southeast Asia, there is a need for reform to keep up with the social, economic and political changes that have taken place at the local, national and international levels, for many the *pondok* remains central to their local and religious identity.

The final chapter in the book focuses on the theme of identity, also in southern Thailand. Here the question of identity lies at the

heart of the long-running and often violent resistance to the Thai state. For well over half a century the Thai government has pursued a program of assimilating the Muslim population of this border region as "Thai Muslims" (Jory 2007), whereas Patani Malay nationalists tend to emphasize the "Malay Muslim" identity of the population and their historical relationship to the former Sultanate of Patani. Chris Joll, a New Zealand scholar who completed his PhD at the Universiti Kebangsaan Malaysia and has done extensive ethnographic work in southern Thailand, argues that today the identity of the Muslims in southern Thailand is in fact highly complex, and unsuited to the casual generalizations one finds in the nationalist discourse of the various parties to the conflict. Drawing on the recent scholarship on "Malayness" (Barnard, 2004). Joll contends that the identity of the Muslims in Thailand's southern border region is essentially plural in nature, and that the boundaries between them and other groups porous, negotiable and in some cases changing. They define themselves and are identified by others by means of a bewildering number of autonyms and exonyms whose deployment depends on the particular situation they find themselves in and who their interlocutor at the time happens to be.

In highlighting the diversity of interpretations of Islam in Southeast Asia today, and the local debates over how Islam should respond to the global issues of our time – democracy, human rights, secularism, law, religious freedom, minority rights, and the nature of the state itself – the essays which follow offer examples of the dynamic new directions in which Southeast Asian scholars are pushing the study of Islam in the region

Notes

1 Meaning traditional Islamic boarding schools. The name varies according to the region.

2 For reasons of space the cases of the Muslim minorities in Singapore and the Philippines could not be included in this volume. For recent studies of the Muslim minorities in Singapore see Funston (2006) and Nasir (2010). On the relationship between Muslim minorities and the state in the Philippines see Collier (2006) and Abu Bakar (2011).

3 Christopher Joll is the one exception. He has lived in Patani, southern Thailand, for over 10 years and took his PhD from the National University of Malaysia.

ONE

Islamic Liberalism in Indonesia: Its Origins and Networks

Luthfi Assyaukanie

The roots of liberal Islamic thought have their origins in two major sources: the Islamic intellectual tradition and modern Western philosophy. As a general notion liberal thought is not an exclusive category that emerged in the modern world. Rather it can be traced as far back as the formative period of Islamic thought in the seventh century CE. As a modern political concept, however, liberal Islamic thought cannot be separated from the tradition of Western liberalism that began In Europe and America over two centuries ago. This chapter aims to discuss these two main sources that have inspired the emergence of liberal trends in contemporary Islamic thought. It will depart from the assumption that liberal thought is a universal phenomenon, since it does not take place exclusively in the Western community but, as Leonard Binder argues, is also "possible even among those who do not share the same culture nor the same consciousness" (Binder 1988: 1).

In classical times Islamic thought was not an independent discipline. It was assigned either to religious subjects such as jurisprudence (*fiqh*) and theology (*kalâm*), or philosophy (*falsafah*). The former were more strongly rooted in the Muslim intellectual life than the latter since *fiqh* and *kalâm* were considered "local" knowledge which grew out of the Islamic intellectual tradition, whereas philosophy was considered a foreign discipline known to Muslims through the external world (i.e. the Greeks). Contemporary liberal Islamic thought has strong roots in the philosophical tradition in the past. As in classical times it is not subject to the standard rules of Islamic tradition. Naturally, the themes discussed in the current liberal Islamic discourse are multifarious. Almost all the topics with which it deals originated and developed outside the Islamic intellectual tradition. Concepts such as nationalism, socialism, pluralism, civil

liberty, and democracy, have arrived from the West and have little grounding in the Islamic tradition.

Philosophy and Speculative Thinking

Wilfred Cantwell Smith, a prolific author on modern Islam, argues that the intellectual roots of liberalism in Islam can be traced to two major disciplines: philosophy and Sufism (Cantwell Smith 1957: 62-3). By philosophy, he means not only the *falsafah* which used to be associated with the Greek intellectual tradition, but also all speculative thought that developed in Islam. It includes theology, history, logic and the natural sciences. The liberal nature of such philosophy lies in its function as a rational discipline which supports critical inquiry. Islamic philosophy was formerly considered an alternative method of obtaining truth in addition to revelation. Muslim philosophers such as Al-Kindi (800-873), Al-Farabi (870-950) and Ibn Sina (980-1037), believed that as far as ultimate truth is concerned reason is as important as revelation. They did not simply base their credentials on an Islamic orthodoxy that claims for itself the sole authority for obtaining truth. Instead, they preferred self-determination and freedom of thought. More than other thinkers Muslim *falasifa* studied foreign knowledge, particularly Greek philosophy, as part of their efforts to obtain the truth.

Sufism, on the other hand, has contributed to what Smith calls "Islamic humanism". To say that this discipline is 'liberal' certainly requires explanation, since Sufism can be associated with the parochial Islamic rituals exercised by whirling dervishes, or the divine drunkardness of the Naqshabandi and Qadiri in their styles of ritualism. Sufism as the term is used here refers rather to the speculative tradition exercised by spiritualists who used their reason and intuition in order to experience divine epiphany by transcending human racial and ideological compartments. In this sense, Sufism is part of a philosophical tradition. The Sufis' contribution to Islamic liberalism lies in its critical attitude towards Islamic orthodoxy. Like philosophy, Sufism considers Islamic orthodoxy as the product of spacio-temporal reflection or human interpretation of the divine will. According to the Sufis human beings are free to use any means in order to reach divine grace. Institutional religion is only one among other means that can bring people to such a grace, and it is not necessarily the only way to reach that goal. Sufis like Ibn 'Arabi (1165-1240) and Jalal al-Din Rumi (1207-73) had transcended the view of Islam as an institutional religion. For them institutional religion did not matter anymore.[1] Seen from a modern pluralistic point of view the inclusive standpoint of the Sufis can become an intellectual source of civil liberty.

Due to their liberal propensity to question Islamic orthodoxy philosophy and Sufism became the object of orthodox criticism.

Both were often condemned as having deviated from the true religion. Some orthodox critics even denounced the philosophers and Sufis as irreligious (see Ibn Taymiyyah 1977; 1986; 1999). Throughout Islamic history both philosophy and Sufism have been frequently marginalized and often rejected as Islamic disciplines of study. Orthodoxy's assault on these disciplines contributed to their decline. Traditional Islamic learning institutions (such as *madrasa* and *pesantren*) removed them from their curriculum. In fact, they even provided alternative "domesticated" disciplines of orthodox philosophy and Sufism, shorn of their more radical, speculative tendencies.

Nevertheless, in spite of such suppression Islamic philosophy and the tradition of speculative thought were not completely expunged from Muslim intellectual life. From the beginning of the nineteenth century philosophical thought in the Muslim world reemerged in new forms. Philosophical analysis, which was strongly determined by a metaphysical style of thinking, turned to more pragmatic questions. A new generation of Muslim thinkers became concerned with social and political questions that directly related to the real conditions of Muslim life. The question raised by Amir Shakib Arslan (1869-1946), a leading Lebanese thinker, is representative of the concerns of all Muslim intellectuals at the time: "Why do the Muslims lag behind and why do the others advance?" (Arslan 1975). What he meant by "the others" was surely the West.

It may be said that Muslim intellectuals since the beginning of the 19th century have been engaged in attempting to answer Arslan's question. From Rifa'at al-Tahtawi (1801-73) of Egypt to Abdul Karim Soroush of Iran, their responses revolve around three main problems: (1) the adoption of the Western model of progress; (2) the reinterpretation of the classical Islamic doctrines; and (3) the unification of the two civilizations – Islam and the West – in a new synthesis.

***Western Influence on Islamic* Nahda**

That the West has had a great influence on the development of Islamic liberalism is undeniable. Most of the major political themes discussed in the current Islamic political discourse originated from the Western political tradition. The "West" and the "Muslim world" are, of course, generalized terms. While the former comprises European countries and the United States, the latter constitutes countries as far apart as Senegal in West Africa and Indonesia in Southeast Asia. A more specific ascription is thus required. What is meant here by "the West" is a cultural-political ideal, rather than a geographical location. However, when used with reference to historical contact the West here means Western European countries, among which Britain and France were the key players. In the Muslim world the focus will

be on the Middle Eastern countries, particularly Turkey and Egypt, since the first Western influence in terms of political thought began in these areas.

Modern Western influence in the Middle East began in Turkey. This is not only because Turkey was the center of Islamic government since the Ottoman caliphate was ruled from there but also because geographically since Turkey was the closest country to Europe. Contact with European countries had existed since the 15th century when the Ottoman Turks made inroads into eastern and central parts of Europe. Through these military contacts the Turks adopted Western knowledge in the arts of war as well as other skills. The Renaissance was taking place in Western Europe and Western explorers were making new geographical discoveries, while military technology such as gunpowder and firearms had begun to be used widely. Early Ottoman sultans were interested not only in military technology but also in European civilization. Sultan Mehmed, for instance, was reported to have invited Italian painters and men of letters to his court, and even ordered his vizier to translate the works of some Renaissance authors (Hourani 1983: 41). Western influence was, however, still limited to the sultan's court and mostly concerned military and artistic accomplishments.

Western political influence later began to appear in the form of reform programs that were part of the Ottoman agenda to rehabilitate the country. Bureaucratic and administrative modernization was becoming a priority. In 1729 the government established the first Turkish printing press which later played a crucial role in printing state documents and books. Among the books printed during the early period of its operation were two books about Europe and France (Lewis 1964: 33). A radical reform program was carried out by Salim III (1761–1808) in 1789. It was known as the *nezam-i-cedid* (new order) and focused mainly on military modernization. To achieve this purpose a number of military schools were established and instructors from Europe, particularly from France, were invited to Istanbul. Numerous important books were shipped from Europe and later translated into Turkish (Hourani 1983: 42). Bernard Lewis notes that a military school in Istanbul collected no less than 400 books, mostly in French (1964: 40). Salim himself was almost obsessed in his desire to seek Western knowledge. In 1791 he sent Ebubekir Ratib Efendi to Vienna to study the enlightened despotism of the European monarchs. The aim of the mission was clear, namely, to seek a model of government which could reverse the fortunes of the now declining caliphate. A year later the Sultan sent several ambassadors to London, Vienna, Berlin, and Paris (Lewis 1964: 39). Salim's program of reform, however, ended with an anti-climax. In 1807 Janissaries (the Sultan's military guard) who felt threatened by his military reform revolted and deposed him. Following Salim's

failure Mahmud II, Salim's successor, underwent reform cautiously. He focused on educational reform and the empowerment of the younger generation. In 1827, following the steps of the Egyptian Pasha, Muhammad Ali, he sent 150 students to Europe. This decision was challenged by the orthodox *'ulama* who considered that the sending such a mission to "infidel" countries would endanger the young Muslims' faith. It was these students and other members of the younger generation who would later form the core of the movement calling for social, political, and religious changes in Turkey.

The Ottoman political and military reforms were, however, ineffective in resisting, let alone halting, relentless European military expansion. Starting from the second half of the 18th century the Ottoman provinces gradually fell to the European powers. In 1783 the Crimea, an old Turkish Islamic land, was annexed by the Russians. This was followed by losses to the French, who invaded Egypt in 1798, and the British, who annexed Aden in 1839. By the 20th century most of the Turkish provinces in Central Asia, Arabia, and Africa had fallen to the European powers. It was this political backdrop that shaped the religio-political reformist movements that culminated in the emergence of the Young Turk movement (1908-18). The subsequent history is already well-known. In 1924 Mustafa Kamal Ataturk abolished the Caliphate putting a formal end to the Islamic political system that had existed for almost 14 centuries.

The fall of the Ottoman dominions had another impact on the development of Islamic history in the Middle East. It led to the creation of new states that were independent from Ottoman control. Egypt was one of them, "liberated" by the French in 1798. The French invasion had a pronounced influence not only on the political life of the Egyptians, but also on the political, cultural, and intellectual development of the entire Arab world. Bernard Lewis argues that the invasion was a watershed for the history of the Arabs and Muslims (1964: 34). Hourani views it as a cornerstone event for what he calls the "liberal age" in the Arab world (Hourani 1983: iv).

The French occupation was relatively short – only three years (1798-1801) – but its impact "lasted long after the French had evacuated Egypt" (Vatikiotis 1992: 45). During their three-year occupation the French made radical reforms to the state administration, public service, public health, sanitation, and financial regulation. The French presence also resulted in far-reaching changes to Egyptian public life. It is argued that the French were the first rulers in Egypt to endorse the mixing of the sexes in public. Cafes and amusement places were established enabling Egyptian men and women to meet and mingle in public (Vatikiotis 1992: 45). It was perhaps because of these radical changes during the French occuptation that the Egyptians were strongly influenced by the French model. Long after the French left the country Egypt's ruler Muhammad

'Ali (1805-48) made France the destination for the delegation of students he sent in 1826. This delegation was the largest mission – 44 students – ever sent by a Muslim ruler to the Western country.

The mission is often claimed as the starting point of Islamic modernism in Egypt. It was led by Rifa'at al-Tahtawi, an al-Azhar graduate who was then 25 years old. He was not part of the mission but its religious preceptor. In Paris he seems to have learnt more than any other student in the mission. During his five-year stay in France he learnt French and attended lectures on history, sociology, and law. He also read philosophical works written by French philosophers such as Montesquieu, Voltaire, and Rousseau. Upon his return to Egypt he was immediately assigned to several governmental projects. He was first employed as a translator and later in 1836 appointed as head of the School of Languages (*madrasat al-lughat*). Apart from these positions al-Tahtawi served as inspector and editor of *al-Waqâ'i al-Misriyya*. During these assignments he translated various books, mostly from French. But the most significant contribution in his intellectual career was the books he wrote, two of which became his *chef-d'oeuvres*, namely: *Takhlis al-Ibriz* and *Manâhij al-Albâb*.[2]

Both books have played a very fundamental role in the formation of modern Arab-Islamic intellectualism. The former was a description of Paris based on al-Tahtawi's own experience there. The latter was an account of the steps that he believed the Egyptians should take to solve their social and political problems. It was in this latter work that al-Tahtawi set out his political views on subjects including nationalism, the modern nation-state, constitutionalism, and the model of progress. Among these views his writings on the idea of nation (*wathân*) and nationalism (*wathaniyya*) stirred up much controversy among Egyptian Muslims. Al-Tahtawi based his understanding of the idea of *wathân* on the French word *patrie*, which can be translated either as "nation" or "country". In fact, the word *wathân* was already used in classical Arabic. A popular Prophetic tradition states that, "love of *wathân* is part of faith" (*hubb al-wathân min al-imân*). However, it was al-Tahtawi who introduced the modern meaning of the term. Al-Tahtawi's patriotism was distinctively Egyptian. As Lewis puts it, "It is not Arab, since it does not include the other Arabic-speaking countries; nor Muslim since it *does* include the ancient Egyptians of pre-Islamic times, and even the non-Muslim residents of Egypt in his own day" (Lewis 1964: 77). At the time al-Tahtawi's views represented a serious challenge not only to Egypt's rulers but also to the Ottoman Caliph and those who supported the idea of the Caliphate.

Al-Tahtawi's conception of *wathân* provided a strong foundation for the next Muslim generation to deal with the Caliphate issue. One of them was 'Ali 'Abd al-Raziq (1888-1966), a graduate of al-Azhar who admired al-Tahtawi. In his most controversial book, *al-Islâm wa Usl al-Hukm* (Islam and the Foundation of Government), 'Abd al-Raziq made the polemical statement that Islam had never ordered

Muslims to establish a particular political system. The implication of this statement was that the Caliphate was not a concept endorsed by religion but was only one among other political options chosen by early Muslims. In the same book 'Abd al-Raziq argued that "Muhammad had no function except the essential prophetic function of preaching the truth" (Hourani 1983: 186). 'Abd al-Raziq was indeed a controversial figure. He paved the way for the idea of secularism in Islam. More than any other Egyptian intellectual his political views have inspired many liberal Muslims in the world, including in Indonesia.

The Indonesian Context

The Liberal Age – in the sense that Hourani uses the term – in Indonesia can be said to have commenced at the beginning of the 20th century. This period was the most dynamic phase of the history of thought and political activism in Indonesia. Almost all ideologies and political thought that developed afterward began to be disseminated during this time. There were at least two causes that generated the rise of Islamic liberalism in Indonesia. The first was the return of Indonesian Muslim students from the Middle East; and the second was the Dutch colonial government's implementation of the Ethical Policy in 1900. The return of the Muslim students from the Middle East, particularly from Makkah and Cairo, accelerated the diffusion of Islamic reformist thought in the country. The implementation of the Ethical Policy, on the other hand, enabled the native people to catch up with the modern educational system. This section will discuss these two developments as forming the modern roots of liberal Islamic thought in Indonesia.

Middle-Eastern Networks

In 1897 Muhammad Thaib Umar (1874-1920) returned from his studies in Makkah. He was followed by three other leading Minangkabau students. They were Abdullah Ahmad (1878-1933) who returned in 1899, Muhammad Djamil Djambek (1860-1947) who returned in 1903, and Hadji Rasul (1879-1945) who returned in 1906. All these Middle Eastern-educated students played leading roles in the spread of Islamic reformism in Indonesia, particularly in the Minangkabau area. All studied under Ahmad Khatib (1855-1915), a teacher and *imâm* at the Haram mosque in Makkah (see Jaja 1966: 687-95; Noer 1973: 33-39). Ahmad Khatib was the father of modern Islamic reformism in Indonesia since most Indonesian religious leaders had studied under him. In addition to these illustrious former students he was also the teacher of the founders of the three most influential Muslim organizations in Indonesian history: Ahmad Dahlan, the founder of Muhammadiyah; Wahab Chasbullah, the co-founder of Nahdlatul Ulama; and Agus Salim, the leader of Sarekat Islam.

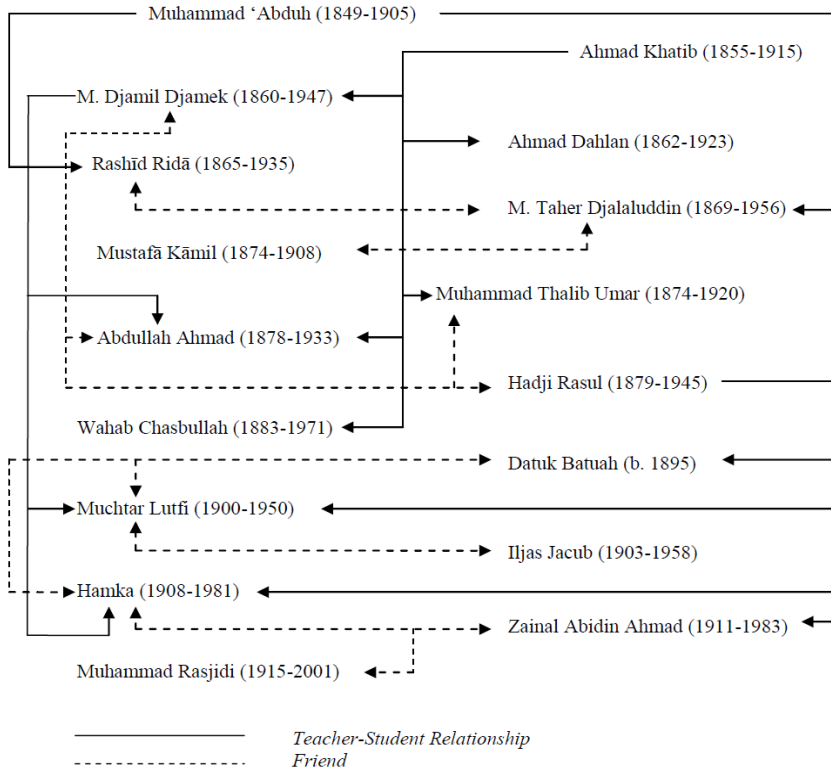
Ahmad Khatib was born in Bukit Tinggi from a *paderi* descendent. This *paderi* lineage was often claimed to be among the main causes of his severe attitude both towards the Dutch and *adat* practices (Noer 1973: 31). He completed his elementary studies at traditional schools in his hometown and later continued his studies in Makkah in 1876. In Makkah he studied under several leading *'ulama,* among whom were Abu Bakr Shatta, the author of a renowned book, *I'ânat al-Thalibin* ("The Seeker's Aid") and Ahmad Zaini Dahlan, the Shafi'i Mufti of Makkah. Khatib quickly mastered Arabic and the major Islamic sciences. He was soon appointed assistant lecturer at the Haram mosque before holding the position of *imâm* of the Shafi'i school at the mosque. He wrote some 46 books, mostly on astronomy, Islamic jurisprudence, and theology. He was noted as having very strict views with regard to *adat* and practical Sufism, particularly the Naqshabandiyya, the predominant Sufi order in Minangkabau.

Ahmad Khatib seems never to have visited Cairo and thus failed to imbibe the atmosphere of the liberal age there. Curiously, however, he monitored the development of Islamic reformism there and suggested that some of his Indonesian students read the works of 'Abduh' and the other modernists in Egypt (Noer 1973: 32; Ricklefs 2001: 214; Laffan 2003: 112). Moreover, he sent his two sons, 'Abd al-Karim (d. 1947) and 'Abd al-Hamid (d. 1962) to Cairo for their studies (Laffan, 2003: 129). 'Abduh's influence on Indonesian students did not come directly through his own hands but through Muhammad Tahir Djalaluddin (1869-1956), another Indonesian student in Cairo. Djalaluddin was Khatib's younger cousin who, in 1892, came to Cairo and studied with 'Abduh after the latter's return from exile in Beirut (see Figure 1.1) (Hamka 1961: 16; see also Kedourie 1966; Hourani 1983: 130-60).

Like Khatib, Djalaluddin was also of Minangkabau lineage. His father was a great *'alim* in Bukit Tinggi and son of the *paderi* leader (Noer 1973: 33). He came to Makkah for the *hajj* in 1880 and stayed there first to study and then to serve as a *mutawwif* until his departure to Cairo. During this time Cairo was a less popular destination for religious studies than Makkah. However, as Laffan remarks, towards the end of the 19th century more and more Indonesian students came to the city thus strengthening the *riwaq al-jawi* (Jawa Hall), which seems to have prevailed there since the 1860s (Laffan 2003: 127-29). In Cairo, Djalaluddin studied astronomy (*'ilm al-falâk*). As mentioned above, he studied with 'Abduh and established a good relationship with the other leading modernist scholar, Rashid Rida (1865-1935). He learnt from these two towering Islamic intellectuals of the time how to write about Islamic issues in a journalistic style. Later on in 1906, following 'Abduh's line, he published a periodical called *al-Imâm* in Singapore, whose format and content were very close to 'Abduh's *al-Manâr* (see Roff 1967: 56-90). The name "*al-*

Imâm" itself was most likely inspired either by a popular epithet of Muhammad 'Abduh, or by his fellow students who established the "*Hizb al-Imâm*" (later on transformed to *hizb al-umma*).[3]

Figure 1.1: The Middle Eastern Network



According to Noer, in its first issues *al-Imâm* published current news, 'Abduh's opinions, and other writings attacking Sufism and *adat* practices (Noer 1973: 34). It also published several articles previously printed in al-Afghani's *al-'Urwat al-Wuthqa* (Hamka 1961: 17). Roff remarks that the journal also published issues on the subject of Islam and nationalism. In its June 1907 issue *al-Imâm* reviewed Mustafa Kamil's book, *al-Shams al-Mushriqa* (the Rising Sun), which was eventually translated into Malay by Encik Abdallah, a young Malay journalist (Roff 1967: 59; Laffan 2003: 153). The journal was distributed widely in Sumatra and other major cities in Java such as Jakarta, Surabaya, and Semarang (Noer 1973: 35). Abdullah Ahmad was reported to have always copied the periodical and republished some of its articles in his own *al-Munîr*. Ahmad Dahlan, Ahmad

Soerkati, and Ahmad Hassan, three leading reformist figures in Java, are also believed to have subscribed to it in addition to *al-Manâr* and *al-'Urwat al-Wuthqa* (Hamka 1961: 31).

The four reformists mentioned earlier learnt about 'Abduh's thought either through such journals as *al-Imâm, al-Manâr,* and *al-'Urwat,* or directly from his books. According to Hamka, from the mid-1920s the works of 'Abduh and other Middle Eastern Muslim scholars began to be translated into Indonesian, what was later to become the country's national language:

> In 1924 Ahmad Hani, Ahmad Dahlan's disciple, translated Jamaluddin al-Afghani's *al-Rad 'ala al-Dahriyyîn* at the same time as the spread of communism in Java. Later 'Abduh's *Risâlat al-Tauhid* was also translated. Muhammad Sjah Sjafi'i translated 'Abduh's *Juz 'Amma*. This was followed by Abdul Wahid al-Nasjirij's translation of *Tafsîr al-Manâr Juz I*. The *Risâlat al-Tauhid* and 'Abduh's *Tafsîr* are still used in *madrasahs* in Sumatra today (Hamka 1961: 47-8).

The spread of Islamic modernist ideas in general and 'Abduh's thought in particular was even more effective following the reformists' establishment of Islamic institutions and publication of their works in the Indonesian language. Upon his return from Makkah Djamil Djambek, for instance, established a *surau* in which he taught Islam in the reformist style. In addition he contributed to Abdullah Ahmad's *al-Munîr.* The same line was followed by Hadji Rasul who established a *surau* known as Djambatan Besi (later on it was transformed into Sumatera Thawalib), from which Permi ("Persatuan Muslimin Indonesia" / Indonesian Muslim Union), the first Islamic political movement in Minangkabau, was established. In 1906 Abdullah Ahmad founded Adabijah in Padang. This school and other similar schools, as Mahmud Yunus has noted, taught classical as well as modern subjects, including Economics, History, English, and Algebra (Yunus 1983: 104). Apart from dedicating themselves to education these reformers campaigned equally vigorously for Islam to present a modern face. They tirelessly argued with their fellow Muslims that to be modern was not necessarily to be a Western Christian (Hamka 1982: 80).

The major theme of Islamic reformism in Indonesia in the first two decades of the 20th century was how to transform the traditional culture, as characterized by an orthodox understanding of religion, the preservation of *adat*, and an exclusive style of life. Indonesian Muslim reformists struggled to change this traditional culture. At the outset the *adat* leaders (*pemangku adat*) and the Kaum Tua strongly opposed any idea of reformism. Even idiosyncrasies such as wearing hats, neck ties, and using desks at schools were regarded by them as taboo and thus against Islam. According to Hamka, Kaum Tua

and *adat* leaders considered the adoption of modern accessories and facilities as "emulation" (*tashabbuh*) of the *kafîr*, and emulation, in their view, was prohibited by the Prophet.[4] Hamka made a list of no less than 16 issues that became controversial in Minangkabau during this period. Among them was the pronouncement of *usalli* before prayers, attending the mourning feast (*kenduri*), standing in the *barzanji* reading, wearing European dress, adding *jum'ah* prayers with *zuhr*, and visiting and venerating graves (Hamka 1961: 79-82).

Given the importance of such issues to the Muslim reformists we may deduce that they were strongly influenced by the views of Muhammad 'Abduh as well as Wahabism. In the case of the wearing of European dress, for instance, 'Abduh had issued a specific *fatwa* on this issue (Vatikiotis 1992: 197). In their objections to the veneration of graves and other practices on the grounds that such practices were *bid'ah* the reformists were obviously influenced by Wahabism. Wahabi influence on the reformists was often more salient than 'Abduh's modernism. However this may not necessarily have been due to their greater interest in Wahabism but rather that the issues they faced at that time were essentially doctrinal matters (*'aqidah*). It would have been more effective for such issues to be treated according to the strict theological formula of the Wahabi type than that of 'Abduh's. On education and other matters of religious interpretation (e.g. the interpretation of the Qur'an), Muslim reformists were, however, closer to 'Abduh's modernist ideas than those of any other Muslim scholar.

'Abduh's influence in politics was relatively minimal despite the fact that he, his mentor Al-Afghani, and his disciple Rashid Rida, were political activists and promoters of Pan-Islamism. Middle Eastern influence on Indonesian political life only began to become significant with the later generation of Muslim leaders such as Muchtar Lutfi (1900-50), Iljas Jacub (1903-58), and Hamka (1908-81). In Java Islamic political activism increased after Tjokroaminoto took charge of Sarekat Islam. Al-Afghani's idea of Pan-Islamism also achieved popularity during this time. As will be elaborated shortly, the figure of Tjokroaminoto was important not only in bolstering Islamic political activism, but also in stimulating other secular political organizations, including the nationalists, the socialists, and the communists.

The Middle Eastern figure who left a deep political impact on Indonesian students was Mustafa Kamil (1874-1908), the leader of the Egyptian National Party (*al-hizb al-wathân*). Like al-Tahtawi, Kamil was a graduate of a French university. Although he was a Muslim, Kamil was not considered as an "Islamic figure." He was perhaps like Sukarno in Indonesia, who although a Muslim and fascinated by Islam, is more accurately described as a nationalist rather than an Islamist. Kamil did not go to any Islamic schools. He never studied in al-Azhar, but in a Law School (*madrasah al-hukm*). When a French law school was opened in Cairo he moved there from which he obtained his License in Law at the University of Toulouse (Hourani 1983:

199). In fact, Kamil had a malign attitude towards the Europeans and particularly the British, since, in his view, the Europeans had brought disaster to Asian nations. He was thus obsessed with the rise of Eastern nations. For this reason he wrote two books: *al-Mas'âlat al-Sharqiyya* (the Eastern Problems) and *al-Shams al-Mushriqa* (the Rising Sun). In the latter book he praised Japan and suggested that it could be a model of progress for Arab and all Eastern nations (Hourani 1983: 205; Laffan 2003, 134). This book, as mentioned above, was translated into Malay and published by the *al-Imâm* circle in Singapore.

Kamil's popularity attracted many Indonesian students in Cairo. During the 1920s several years after his death his revolutionary ideas were still admired by many young Egyptians, including Indonesian students there. A periodical founded by the Indonesian student community, *Seruan Azhar* (Azhar's Call), published articles about Kamil and his thought. Two writers in this journal, Muchtar Lutfi and Iljas Jacub, were even actively involved in the National Party (Noer 1973: 153). Lutfi and Jacub were interested in Kamil's notion of nationalism which they considered to be congenial with Islam. It is likely that out of this attachment to Kamil's ideas both students, upon their return to Indonesia and becoming active in the world of *pergerakan,* gave their support to Sukarno's idea of nationalism (*kebangsaan*). According to Ricklefs, by supporting the idea of nationalism they "began to doubt the value of Pan-Islamic ideas". In Minangkabau (Lutfi and Jacub returned to Indonesia in 1929 and 1931 respectively) they took charge of Permi ("Partai Muslimin Indonesia" /Indonesian Muslim Party) and adopted Islam and nationalism as its political basis (Ricklefs 2001: 238).

Kamil understood *wataniyya* (patriotism/nationalism) as a concept that considers communal and territorial ties (*wathân*) to be the basis of political unification. Like al-Tahtawi, he interpreted the idea of *umma* as a national community bounded by certain territorial boundaries, in this case Egypt and not the Islamic community. Nonetheless, he did not consider *wataniyya* to be necessarily inimical to Islam. As a concept whose meaning includes patriotism, *wataniyya* is in fact compatible with Islam, since Islam appeals for the love of nation (*hub al-watan*) (Hourani 1983: 206).

Indonesian students understood well Kamil's idea of nationalism and regarded it as an ideal solution to the dilemma they faced in their own country. Unlike the Muslim leaders in Java such as Agoes Salim, Ahmad Hassan, and Muhammad Natsir, Kamil's Indonesian followers, including Lutfi and Jacub, unhesitatingly adopted nationalism as the basis of political unity.

The Western Educational Network

To say that the beginning of colonial reform in Indonesia began only with the implementation of the Ethical Policy is not only an exaggeration but also does not reflect the reality. Efforts to improve the local conditions under colonialism had been underway at least since 1870 when the Liberal Party took over the government in the Netherlands, and even since 1850 when the party launched its criticisms of the cultivation system (implemented in 1830). During the period which Furnivall calls the era of transition (1850-70), the Liberals actively criticized the colonial government for being extravagant and failing to create prosperity in the Indies. Likewise, they condemned the government for their repressive policies toward the natives. Their defense of the natives was best represented in *Max Havelaar*, a novel written by E. Douwes Dekker alias Multatuli in 1860. So aggressive was the assault of the Liberals against the government, that J. J Rochussen, ex-Governor General in the Cultivation System era, equated them with "Mahommedan fanaticism" (Furnivall 1967: 160).

It was during the government of the Liberals (1870-1900) that the pillars of the Ethical Policy were actually put in place. In the educational sector the Liberal regime had proposed public education for the natives. This began in 1871 when the first regulations for native education were enacted by Royal Decree (van der Wal 1961: 5). Several national figures who played significant roles in the Ethical era as well as afterwards, such as Wahidin Sudirohusodo (1852-1916), Abdul Rifai (1871-1933), Radjiman Wedyodiningrat (1879-1952), Tjokroaminoto (1882-1934), and Agus Salim (1884-1954), had undergone their early education in Dutch schools before the Ethical program was implemented.

What makes the Ethical period important was not really its originality, but rather its role in accelerating social and political change (van Niel 1960: 31). During this period it was not only education that became the concern of the colonial government but also the natives' prosperity, human rights, and political freedom. This essay will not discuss here all events and developments that took place during the installment of the Ethical project. Rather, it will discuss only the aspects pertaining to educational policy. Its aim is not to disclose the structure and pattern of Dutch education in Indonesia during this period, but rather to highlight the generation of educated Indonesians, particularly the Muslims.

To begin with, it is necessary to briefly explain the educational system in Indonesia during this period. Generally, there were two kinds of school at the primary level: the vernacular and the European. The vernacular system was characterized by schools whose language

of instruction was either local languages (such as Javanese and Sundanese) or Malay (Indonesian). The European system, on the other hand, was characterized by schools whose language of instruction was Dutch. The native students could continue to study in these Western schools after they had completed grade three of their vernacular school (van der Wal 1961: 8; Ricklefs 2001: 200-3). The primary level was called either HIS (*Hollandsch-Inlandsche School*) or ELS (*Europeesche Lagere School*); the secondary level was called MULO (*Meer Uitgebreid Lager Onderwijs*), and the advanced level was called either HBS (*Hoogere Burgerschool*) or AMS (*Algemeene Middelbare Scholen*). At the tertiary level there were three colleges: the college of Medicine, known as STOVIA (*School tot Opleiding van Inlandsche Artsen*); the college of Law, known as RHS (*Rechts Hooge School*); and the college of Engineering, known as THS (*Technische Hooge School*). In addition to these there was a special school designed for the training of civil servants called OSVIA (*Opleidingscholen voor Inlandsche Ambtenaren*).

In 1920 a total of 8,644 students were recorded as attending primary schools. This number was almost double that of the number of European students at the same level, that is 4,779. In the same year there were 83 Indonesian graduates from the three-year secondary schools and 361 European graduates. Still in the same year, only two Indonesian students graduated from matriculation, while there were 22 European graduates. This figure illustrates the dramatic increase of native students at the primary level during the first year of Ethical Policy, while at the same time only a small number of the native students were entering advanced level education. However, approaching 1940 there was a dramatic increase in the number of native matriculation graduates, to the extent that it exceeded the number of European students. In this year the number of native students totalled 128 compared to 57 European students. The same ratio can be seen in the graduates of advanced education (tertiary level) where the number of native students reached 37 compared to just 19 European students (see Table 1.1).

Table 1.1: Number of Indonesian and European Graduates[5]

Year	Indonesian Students				European Students			
	Primary	Secondary	Matric.	Tertiary	Primary	Secondary	Matric.	Tertiary
1920	8,644	83	2	-	4,779	361	22	-
1925	12,592	354	26	-	5,672	549	40	-
1930	14,709	762	91	-	7,012	607	45	-
1935	13,931	995	112	29	6,192	619	79	23
1939	14,078	1,012	128	37	6,206	740	57	19

During the 1920s, Surabaya, Yogyakarta, Bandung and Jakarta played a greater role than any other cities in the country. Surabaya was important, particularly because the central office of Sarekat Islam, the first and the biggest Islamic party, was located there. Yogyakarta was important because it was a birthplace of many major religious and youth organizations such as Muhammadiyah, Jong Java, and Jong Islamieten Bond. Bandung was important because it was the location for ELS and THS, two advanced schools where many natives studied (Sukarno and Natsir were among them). Bandung was also important as the birthplace of Persatuan Islam (Islamic Union, Persis), a radical modernist organization, and PNI, the first nationalist political party. Jakarta was important because it was the capital city and was the place of several tertiary schools such as STOVIA and RHS. It was around these cities that Indonesian students underwent their political activities.

In Surabaya political activities centered around Tjokroaminoto, the leader of Sarekat Islam, whose household was considered by Legge as the "cradle of all the ideologies" (Legge 1984: 54). The figure of Tjokroaminoto was very important (Amin 1980). It could be said that his position in the intellectual and political network in Indonesia was comparable to that of Ahmad Khatib with regard to the Middle Eastern network. Tjokroaminoto's great contribution was in his role in transforming Sarekat Islam (SI) from a trading organization into a political movement.[6] Under his leadership SI became the receptacle (*wadah*) for intellectuals, students, and political activists from diverse backgrounds. It was the first native organization that comprised all people in the Indies. The word "Islam" in the name was intended to indicate the wide reach of this organization rather than a sectarian limitation. Tjokroaminoto was aware that Indonesia was a majority Muslim country separated by hundreds of ethnic groups. Only their religion could possibly make them united.

The figure of Tjokroaminoto became the center of political gravitation for young Muslims. Agoes Salim and Abdul Muis (1890-1959), two Minangkabau leaders, were among the Islamic figures who often came to his house (Tjokroaminoto 1983: 65-9; Noer 1973: 108-9). Future communist leaders such as Alimin (1889-1964), Musodo (better known as Musso) (1897-1948), and Tan Malaka (1897-1949) often consulted him regarding political issues. Musso, the future mastermind of the 1948 communist rebellion, was in fact regarded as Tjokroaminoto's protégé. His closeness to Tjokroaminoto, as told by Harsono, could only be challenged by Sukarno, the future president of Indonesia (Tjokroaminoto 1983: 34, 42-5). Sukarno stayed at Tjokroaminoto's house during his study at HBS of Surabaya. He later married Netty Oetari, Tjokroaminoto's first daughter. Another important name who established an intimate contact with Tjokroaminoto was S.M. Kartosuwirjo, the future founder of the

rebellious Darul Islam movement. Kartosuwirjo met Tjokroaminoto in Cimahi, Bandung, when the latter returned from his travels to the Middle East at the end of the 1920s. Since this meeting Kartosuwirjo became a follower and later, like Musso and Sukarno, was regarded as Tjokroaminoto's protégé (Tjokroaminoto 1983: 75-81).

Among Tjokroaminoto's companions the most influential figure who would determine the future image and course of Islamic politics in Indonesia was Agoes Salim, the deputy chairman of Sarekat Islam. Salim was born in Bukittinggi of a religious family. He did his early study in his hometown but later continued his secondary level education at HBS in Jakarta. After graduation he was employed at the Dutch consulate in Jeddah where he had the opportunity to meet his uncle, Ahmad Khatib, in Makkah. During his five-year stay in Hijaz he learnt Arabic and Islamic sciences. His experience in Hijaz was undoubtedly important in determining his religio-political attitude. Soon after returning to his country he joined SI and became a guardian of Islam, challenging the communist and secular drifts.

However Salim's major role was not his involvement as the guardian of Islam but rather his function as a mentor and educator of the younger generation of Muslims. He was responsible for the formation of the Jong Islamieten Bond (JIB), the Islamic organization that became the breeding ground for future Islamic political leaders.

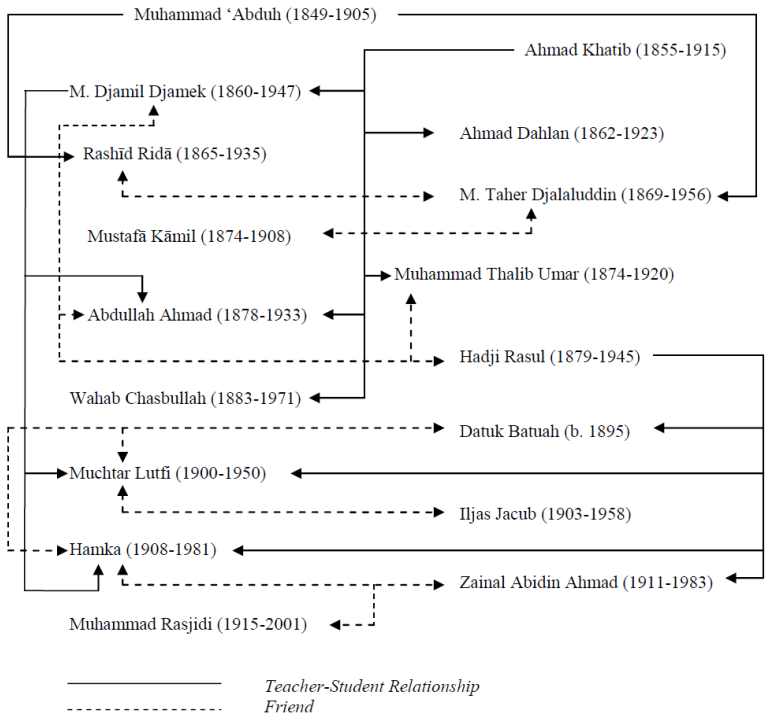
JIB was founded in Yogyakarta on 1 January 1925 following an internal conflict in Jong Java, another youth organization. As related by Salim who attended the congress, the idea of founding JIB came from a suggestion he made to Sjamsoeridjal, the leader of Jong Java, who was disappointed by the Seventh Congress of Jong Java held from 27-31 December 1924. In that congress Sjamsoeridjal submitted a proposal regarding the possibility of having special religious training for Muslim members. However the majority of the members refused it. "After that congress," Salim explained, "Sjamsoeridjal was very sad. About 200 meters away from the venue I approached him and reassured him saying, 'do not be sad, let us establish an Islamic youth association, and let us found an Islamic journal called Het Licht. Those people have tried to dim out the divine light, but God will not let it'" (Mochtar 1996: 67). Thus, JIB was founded. Sjamsoeridjal resigned from Jong Java and himself became the first leader of JIB. Mohammad Roem considered the opposition of Jong Java members a "blessing in disguise," and believed that if Sjamsoeridjal's proposal had been accepted JIB would have never been founded (Saidi 1993: 27).

Most of the JIB members were students at Dutch schools. Several months after its establishment JIB was able to establish seven branches in the major cities in Java, namely Jakarta, Bandung, Magelang, Yogyakarta, Solo, Madiun, and Surabaya (Abdurrahman 1999: 53). It developed rapidly. At the end of 1930 when Kasman Singodimedjo took charge of its leadership, the number of JIB's branches reached 39, including several branches in Padang, Payakumbuh, Lhoksumawe,

Sigli, and Pematang Siantar (Abdurrahman 1999: 157). During the course of its existence JIB held 12 national congresses and chose five leaders.[7] When the Japanese occupation occurred in 1942 like many other social and political organizations JIB was forced to disband.

JIB played a significant role in Islamizing the young generation of Indonesian Muslims. This organization actively held religious training. It published a journal called *Het Licht* (the Light), which discussed various issues ranging from education, theology and religion, to woman, society, and politics. Generally, the religious attitude of JIB members was moderate and they were quite liberal in dealing with certain Islamic issues. Politically, JIB members supported the SI which emphasized Islam as the basis of political unity.

Figure 1.2: The Western Education Network



Another influential leader for the JIB members was Ahmad Hassan, the charismatic figure of Persis (see Federspiel 1970: 13-15; Noer 1973: 86-7). Unlike Salim, Hassan was neither involved in the JIB's formation nor in its leadership. However, he had a special position among the JIB members, particularly the students of Bandung. One of Hassan's most devoted disciples was Mohammad Natsir, the future

Prime Minister. Through Natsir and other Bandung students such as Indra Mahmud Tjaja, Sabirin, and S.F. Sasmitodihardjo, Hassan's theological views were published and quoted in *Het Licht*. It should be noted here that among all the JIB branches, the JIB of Bandung was the most active (Abdurrahman 1999: 260). In theology, as Federspiel notes, Hassan was known for his strict approach. He wrote various treatises on theological issues, such as on Christianity, prophethood, the concept of the trinity, God, and scripture (Federspiel 1970: 28). It is not so difficult to trace where Natsir's strict ideas about Christianity came from. Hassan was also known for writing a small treatise entitled *Islam dan Kebangsaan* (Islam and nationalism) in which he criticized the idea of nationalism. Again, it is not so difficult to trace Natsir's arguments objecting to Sukarno's nationalism, through this treatise.

The local *'ulama* also played an important role in determining the religio-political attitudes of the JIB branches. As young students of Western schools JIB members were close to the modernist leaders. The leaders of Ahmadiyah and Muhammadiyah were more frequently invited to the JIB's religious trainings than leaders from any other Islamic organization. The JIB of Yogyakarta was even strongly influenced by Ahmadiyah thought (Saidi 1984: 12-13). Nearly all JIB branches had moderate *'ulama* whom JIB members could invite for religious teaching or mentoring. In his dissertation on the history and development of JIB, Abdurrahman remarked on some Islamic leaders who became mentors of JIB branches:

> In Yogyakarta they used to be in the circle of Haji Fachroeddin, Mirza Ahmad Wali Baig, and Soerjopranoto. In Solo, they were very close to Haji Mochtar Boechari and in Madiun with Haji Moekti. In Surabaya, Haji Mas Mansoer and Haji Hoesen were often supporting them. In Purwokerto, Raden Ngabehi M. Djojosoegito was the most influential figure in the development of JIB. In Bandung, they were very close to A. Hassan as well as to Ir. Sukarno. In Jakarta, they were mentored by Agoes Salim, Sjaikh Ahmad Soerkati, H.O.S. Tjokroaminoto, A.W. Natsir, and Dr. Zakir (Abdurrahman 1999: 272).

Most of the figures mentioned above were modernist Muslims. Politically they supported Islamic parties, particularly Sarekat Islam. Among these names it seems that only Raden Ngabehi M. Djojosoegito from Purwokerto and Sukarno from Bandung were not considered Islamic figures. But their involvement in the JIB, in my opinion, was due to their charismatic personalities, in addition to the fact that they themselves, notably Sukarno, had a progressive view of Islam (see Figure 1.2).

To conclude, as was stated earlier, JIB played a significant role in producing the new generation of Muslim intellectuals. The

intellectual network established by this organization was valuable capital for Islamic political recruitment in post-independence Indonesia. The major figures in Masyumi, the first and the largest Islamic political party after independence, were alumnae of JIB. One of the leading members of the BPUPKI (the preparatory committee for independence), Kasman Singodimedjo, was also a member (and in fact the longest serving chairman) of JIB.

JIB was often considered the breeding ground for Islamic student organizations which mushroomed in post-independence Indonesia. One of those organizations which inherited JIB's political ideology was the Muslim Student Association (Himpunan Mahasiswa Indonesia, HMI), founded on 5 February 1947 (Saidi 1993; 1995). Generally, JIB represented the educated modernist groups studying at the secular schools. Students of the traditional or Islamic schools did not join this organization. However, they were united by their common interest in Islam. Thus, the graduates of the Middle East and Islamic schools, such as Hamka and Zainal Abidin Ahmad, had a close relationship with the JIB members. Their friendship was in fact reinforced after Masyumi was formed. It is in this political party that the members of the two intellectual networks, that of the Middle East and that of the Western, gathered to struggle for Islamic political supremacy in the modern history of Indonesia.

This chapter has elaborated the intellectual origins of liberal Islamic political thought in Indonesia. As we have seen, the roots of liberal Islamic political thought can be found not only in the Western tradition of political liberalism, but also in the classical tradition of Islamic liberalism, particularly in the speculative disciplines of philosophy and Sufism. The significance of these two disciplines is that they provided room for Muslims to open themselves to knowledge and truth outside the channels dictated by Islamic orthodoxy. Philosophers and Sufis were liberal Muslims who attempted to go beyond the restrictions of Islamic orthodoxy in order to seek genuine truth.

The inclusive attitude towards the external world as has been demonstrated by philosophers and Sufis has inspired modern Muslims to establish a similar position in dealing with the modern world. In the area of political thought this attitude has materialized through the adoption of political concepts that come from modern Western civilization. Such a position has been intensively developed since the early nineteenth century and continues to the present time. Unlike the conservative-fundamentalists who often condemn Western political values while attempting to revive certain classical political notions such as *khilafa*, *dhimma,* and *shari'ah*, the liberal Muslims try to justify modern political concepts in Islamic terms. For them, concepts such as nationalism, democracy, pluralism, freedom, and equality, if understood properly, are not against the basic principles of Islam.

Liberal Muslims in Indonesia are, first of all, those who have inherited the spirit of classical Islamic liberalism. During the pre-

independence period they were connected by two intellectual networks which were rooted in the learning centres of the Middle East and the Dutch schools in Indonesia. Muslim reformists in the Middle East such as Ahmad Khatib (Makkah) and Muhammad 'Abduh (Cairo) played leading roles in the development of Islamic reformist thought in Indonesia. Their influence was exerted not only through their scholarly works but also through the Indonesian students who had personally studied under them. On the other hand figures like Tjokroaminoto, Agoes Salim, and Ahmad Hassan played crucial roles in shaping and influencing the new generation of Muslim intelligentsia. More than any other Muslim leader Salim's role was crucial in creating the network of Muslim students who were to play a significant role in the future of Indonesia.

* * *

Having examined the historical origins of Islamic liberalism in Indonesia the following chapter turns to look at contemporary Islamic thought in Southeast Asia more generally.

Notes

1 For example, Rumi wrote,

> Not Christian or Jew or Muslim, not Hindu, Buddhist, Sufi, or Zen.
> Not any religion or cultural system. I am not from the East or the West,
> not out of the ocean or up from the ground, not natural or ethereal,
> not composed of elements at all.
> I do not exist, am not an entity in this world or the next,
> did not descend from Adam or Eve or any origin story.
> My place is placeless, a trace of the traceless.
> Neither body nor soul. I belong to the beloved.
>
> (Quoted from Barks and Moyne 1995: 2);
> while one of Ibn 'Arabi verses states,
>
> My heart has become capable of every form: It is a pasture for gazelles, a monastery for Christian monks, a temple for idols, the pilgrim to Ka'bah, the tablets of the Torah, the Book of the Qur'an. I follow the religion of Love: Whatever way Love's camel takes, That is my religion and my faith.
>
> (Ibn 'Arabi 1978).

2 The full title of these books are *Takhlis al-Ibriz ila Talkhis Bariz* (The Golden Quintessence of Paris), Cairo, 1905; and *Manâhij al-Albâb al-Misriyya fi Mabahij al-Adab al-'Asriyya* (The Path of Egyptian Hearts in the Joys of the Contemporary Arts), Cairo, 1912.

3 It seems that Abduh's disciples in *Hizb al-Imâm* were more interested in developing Abduh's liberal and political thought compared to those in the *al-Manâr* circle who were religiously more devout. The former were

represented by Qasim Amin and Ahmad Lutfi Sayyid while the latter was represented by Rashid Rida. Djalaluddin was close to both groups.

4 A Prophetic tradition says, "whoever imitates a certain group, he or she is considered to be one of them" (*man tashabbaha bi qawmin fa huwa minhum*).

5 Modified from tables in van der Wal (1961: 8-12).

6 Sarekat Islam (SI) was initially named Sarekat Dagang Islam (SDI), and was founded in Solo by a batik trader, Hadji Samanhudi, in 1911. The main reason for its formation was to empower the native merchants. However when its central office was moved to Surabaya and Tjokroaminoto took charge of the organization it became more political in character.

7 They were Sjamsoeridjal (January 1925 – December 1925); Wiwoho Poerbohadidjojo (1925-1930); Kasman Singodimedjo (1930-1935); Aboe Arifaini (1935 –1937); and Soenarjo Mangunpuspito (1937 – 1942).

TWO

Contemporary Islamic Thought in Southeast Asia: "*Islam Liberal*", "*Islam Hadhari*", and "*Islam Progresif*"[1]

Kamaruzzaman Bustamam-Ahmad

In mid-2001 I visited some friends at the International Islamic University of Malaysia. The first question asked was why in Indonesia are there so many versions of Islam? My friends lectured me that Islam is only one. They accused me of being a secularist and "Nurcholish Madjid-oriented" because I pursued undergraduate studies at the State Islamic University of Sunan Kalijaga in Yogyakarta. I had indeed graduated in Islamic studies in Yogyakarta in Comparative Islamic Legal Thought. I had read many critical Islamic scholars from Fazlur Rahman to Yusuf Qardhawi, and yet I still felt that I was a Muslim. Their interpretation of Islam seemed to me to be very normative. It appeared that they had never been exposed to the diversity of currents of thought in Islamic Studies. This experience led me to reconsider the development of Islam in Southeast Asia. What is the current state of Islamic thought in the Southeast Asian archipelago?

One way of addressing this question is to discuss three currents of Islamic thought in Southeast Asia grouped under the labels, *Islam Liberal, Islam Hadhari,* and *Islam Progresif.* Geographically *Islam Liberal* ("Liberal Islam") is a concept developed by young intellectual activists in Indonesia linked to the Islamic organizations Nahdlatul Ulama (NU) and Muhammadiyah (Bustamam-Ahmad 2004a; 2004b; 2005: 1-15; Santoso 2003: 155-79). *Islam Hadhari* ("Civilizational Islam") is an officially-controlled version of Islam promoted by former Malaysian Prime Minister Abdullah Ahmad Abdullah Badawi. *Islam Progresif* is an umbrella term referring to a school of Islamic thought that could at once be described as liberal, moderate, or puritan (Safi 2003: 48-9; Noor 2004: 1-31; El Fadl 2005). To be sure, there are many other versions of Islam in Nusantara, particularly in Indonesia. In terms of organizations, NU and Muhammadiyah are the largest Muslim organizations not only in Indonesia but also in Southeast Asia. They also have own interpretations of Islam and their members tend

to follow whatever the organization's leaders declare is the correct approach to solving problems encountered in daily life. Great diversity also exists in the practice of and approaches to Islam in areas such as Aceh, Padang, Java, Lombok, and Kalimantan (Budiwanti 2001: 29-40; Bustamam-Ahmad 2004a; Lubis 2003: 1-3). In sum, the development of Islamic culture in Indonesia is very much the result of a dialogue between universal Islam and the cultural characteristics of the archipelago (Madjid 1994: 60).

This chapter argues that the prominence of the debates surrounding *Islam Liberal*, *Islam Hadhari*, and *Islam Progresif* is the result of struggles for power and authority in Islamic Studies in Southeast Asia. It will address the question how the concepts *Islam Liberal*, *Islam Hadhari*, and *Islam Progresif* are products of certain trends in Islamic thinking, the impact of these interpretations in Southeast Asia, especially in Malaysia and Indonesia, the similarities and differences between the three schools of thought, and their future prospects in Southeast Asia.

Mapping Islamic Thought in Southeast Asia

Azyumardi Azra has argued that Southeast Asian Islam historically, sociologically, culturally and politically has often been regarded as marginal and peripheral *vis-à-vis* Middle Eastern Islam (Azra 2004: 143; 2005: 129). But to say that Southeast Asia Islam is not very Islamized is misleading. Although the Islam in Southeast Asia may not resemble the Islam in the Middle East – even though we can see the influence of Arabic traditions in the region that are the result of a process of Arabization – Muslim Southeast Asia is indeed already Islamized but it is the result of a process of compromise between Islam and local cultures. Historically speaking there has been little tension between Islam and local tradition, except when the Dutch scholars in Indonesia attempted to differentiate Islam from local tradition in order to clarify the source of law of the indigenous people (Benda 1958: 338-47; Lukito 1997: 5-31; 1998: 209-230).

Early Islamic thought in Southeast Asia was produced by *ulama* who served Islamic kingdoms such as Aceh, Melaka, and Pattani. In fact, most of their works were a response to issues concerning the *umma* on the orders of the Sultan. The works of Nurdin Ar-Raniry's *Sirât al-Mustaqîm* (1634) and Abdul Rauf Singkeli's *Mir'ât Thullab* (1663) are prominent examples of Islamic voices within this generation (Bustamam-Ahmad 2004a: 311-326; Daudy 1978; Fathurrahman 1999; Daly 1998). Even though these works are concerned with Islamic law it seems that Islamic thought had a close relationship with both Southeast Asian Islamic kingdoms and Haramayn (Mekka and Madinah) (Othman 2005: 63-81). The key point, as Azra argues, is that this era represents the first period of Islamic reformism in Southeast Asia (Azra 1992: 351). Azra identifies

Nurdin Ar-Raniry as one of the most important early *mujaddids* in the archipelago (Azra 1999: 166-8; 2004; Bustamam-Ahmad 2004a). According to Riddell, in fulfilling this role ar-Raniry was transmitting the reformist pulses originating in both Arabia and India, thereby stimulating the Islamization of the archipelago (Riddell 2002: 3; 2003. 101-39).

The second phase of Islamic thought in Southeast Asia began when Islamic thinkers became influenced by Islamic reformism in the Middle East in the 19th and early 20th centuries. Since converting to Islam, the Malays have high reverence for the Hijaz – which holds the two holy cities, Mekkah and Madinah – and its *'ulama*, whom they regard as a source of religious and political authority, when the need for an authoritative decision arises (Othman 2004: 261). In this phase the dynamics of Islamic intellectualism in Southeast Asia were influenced by the Middle East in a number of ways. First, pilgrimage to the Hijaz was seen as part of the process of learning Islam from "the true area of Islam". Some of them did not return to Nusantara because they wanted to continue their studies at Haramayn. Second, some Malays went to Haramayn after graduating from local *pondok/ pesantren/surau* to learn more about Islam from specialized '*ulama*. During this period they also studied the situation in the Middle East. In fact, many of the reformists, puritans, fundamentalists, and modernists in Southeast Asia studied in the Middle East, especially in Haramayn, Egypt and Turkey. Third, many '*ulama*s also produced newspapers or magazines to disseminate their reformist ideas in Nusantara, such as *Seruan Al-Azhar*, *Pilehan Timoer*, *Idaran Zaman*, *Pengasoh*, *al-Ikhwan*, *al-Imâm*, etc. (Othman 2004: 109-67; Roff 1970: 73-87). In sum, the early 20th century was the period when Islamic reformism began to spread widely across the Indonesian archipelago. Based on the reformist ideas of the Cairo *"ulama"* Indonesian Muslims engaged in the project of purifying Muslims' religious practices and voicing the need to reformulate Islamic doctrines in the light of the modern spirit of progress (Burhanuddin 2004: 27; Kurzman 2002: 3-27; Riddell 2003: 207-215; Roff 1985: 123-6; 1994: 56-67).

The third phase of Islamic thought in Southeast Asia began when Orientalist scholars from Western countries conducted research on Islam motivated by both purely academic as well as colonial interests. The Orientalists have played an important role in Islamic Studies in Southeast Asia. Historically, the coming of the Orientalists to Southeast Asia can be divided into three periods. Initially they came as travelers, writing reports on the situation of the Islamic communities in the region (Reid 2003: 1-3). Many of their reports have become important sources for our knowledge about the situation of Muslims in Southeast Asia at this time. Second, they arrived in Southeast Asia as part of colonial missions. In this phase the Dutch scholar C.S. Snouck Hurgronje played a critical role in Islamic studies during his sojourns in Indonesia and Mekkah in the late 19th and early

20th centuries (Benda 1958: 338-47). The other scholar who has had a key influence was the American anthropologist, Clifford Geertz. Based on his research at Modjukuto, Central Java, in the 1950s, Geertz developed a typology in which Muslim society in Indonesia was seen as divided into three groups, *santri*, *abangan*, and *priyayi* (Geertz 1960; 1985 271-8; Effendi 2005: 9-15). Geertz's schema of classification exerted great influence on scholars, both Indonesian and non-Indonesian, who attempted to describe Muslim society based on their socio-politico outlook (Pranowo 2005: 27-34; Inglis 2000). Benedict Anderson remarks that political scientists largely adopted Geertz's framework but often utilized it in a subtly selective way. By treating the three *aliran* as parallel vertical pyramids they frequently overlooked or underestimated the power relationships between them (Anderson 1982: 78). The third phase of the Orientalist influence on Islamic Studies in Southeast Asia has been the development of the field of Asian or Southeast Asia Studies in Western universities, which included the study of Muslims in the region.

The latest phase in Islamic Studies can be said to have begun when Southeast Asian scholars began to produce their own interpretations of Islam, starting from after independence until the present. This group was certainly influenced by Western countries, in particular the United States, Canada, the Netherlands, Germany, and Australia, which offered scholarships to Southeast Asian scholars to study Islamic Studies or Muslim societies in these countries. In this context John L. Esposito and John O. Voll (2011: 12) argue that:

> As a part of the interaction with the West and the consequent Westernization and modernization of significant sectors in Muslim societies, a grouping (or "class") of "secular intellectuals" emerged. These people were similar to, and possibly both inspired and created by, their counterparts in the evolving modern societies of Western Europe and North America

In Islamic Studies discourse this group could be described as "modernist", "neo-modernist", "secularist", "liberal", and "post-traditionalist". In fact, this terminology does not derive from "indigenous" discourse in Islamic studies (*dirâsah islâmiyyah*) but rather from the social sciences developed by Western scholars. Modernist scholars tend to go back to the Qur'an and Sunnah and develop interpretations that are adapted to the modern era. In this group Riddel lists scholars such as Harun Nasution, S.M.N Al-Attas, Nurcholish Madjid, Anwar Ibrahim, Hasbullah Bakry, Djarnawi Hadikusuma, Abdurrahman Wahid, Amien Rais, and Chandra Muzaffar (Riddell 2003: 231-58). In other papers Riddel has categorized Harun Nasution and Nurcholish Madjid as neo-modernists and Amien Rais as a modernist (Riddell 2002: 12-15). Charles Kurzman lists a

number of other figures whom he regards as modernists, including Achmad Dahlan, Syeikh Ahmad Surkati, Agus Salim, Ahmad Hassan, and Hasyim Asy'ari (Kurzman 2002). For Kurzman, the modernist movement was "the self-conscious adoption of "modern" values […] associated with the modern world, especially rationality, science, constitutionalism, and certain forms of human equality. Thus this movement was not simply "modern" (a feature of modernity) but also "modernist" (a proponent of modernity)" (Kurzman 2002: 4).

The term "neo-modernist", first proposed by Fazlur Rahman of Chicago University, has been promoted in the study of Southeast Asian Islam by Greg Barton of Deakin University in his Ph.D. dissertation on Islam in Indonesia (Barton 1995: 1-75; 1997: 337-42; 1999). He characterizes the outlook of scholars in this movement as combining classical Islamic scholarship with modern, or Western, analytical methods. They have enjoyed the benefit of both a classical or traditional Islamic education revolving around the study of the Qur'an and classical Arabic texts, and a modern Western-style education (Barton 1995: 7). According to Barton this kind of Islamic thought is represented by figures such as Nurcholish Madjid, Djohan Effendi, Ahmad Wahib, and Abdurrahman Wahid (Cone 2002: 52-67). For Riddell (2002: 12) Islamic neo-modernists:

> … tend not to see Islam through the lens of *Shari'ah* law, but rather in terms of universal values. These values need to be agreed by non-Muslim as well as Muslims, in the view of the neo-modernist. […] Neo-modernists are more inclined towards a Western-style democracy than other Muslim groups, and their public discourse gives greater emphasis to human rights and women's rights […] the neo-modernists consider that the Qur'an and Sunnah should be open to new and evolving interpretations [...] the neo-modernists are more concerned with the essence of Islamic teaching than its form. […] Neo-modernists are more positively disposed to Western liberal thought; they prioritize social and economic interests over political power and they cooperate with secular groups.

The issue of secularism in Islamic thought, that is, the attempt to separate Islam and politics, is a vexed one. Mohammed Arkoun has attempted to theorize the problem of secular thought in Islam. Briefly summarized Arkoun makes the following controversial argument,

1. Secularism is included in the Qur'an and the Medinan experience;
2. The Umayyad and Abbasid states can also be regarded as secularist;
3. Military power played a very early and prominent role in the Caliphate, the Sultanate, and all later so-called "Islamic" forms of government;

4. Attempts to rationalize *de facto* secularism and to develop a secular attitude were made by the *falasifah* [Muslim philosophers];
5. So-called "orthodox" expressions of Islam are in fact arbitrary selections and ideological uses of beliefs and ideas and practices perceived as authentically religious;
6. The whole status of the religious, of the sacred, and of revelation, has to be reexamined in light of a modern theory of knowledge;
7. All political regimes which have appeared in Islamic societies following their liberation from colonialism are *de facto* "secular", dominated by Western models, cut off from the classical theory of authority as well as from intellectual modernity;
8. .... laicité as a source and space of intellectual freedom to initiate a new theory and practice of authority, is a work also to be undertaken in Western societies today (Arkoun 1989: 50-1).

It might be said that in Islamic Studies those who challenge the accepted role of Islam in society may be called "secularists". This group tends to be regarded as always opposed to the fundamentalists (or "radicals", "Islamists", "Salafists", and "terrorists"). In fact, those outside hardline Islamic movements, including modernists, neo-modernists, liberals, and post-traditionalists are often considered "secularists" in the minds of the fundamentalists (Hartono 2005).

Islamic thought in Southeast Asia can thus be divided into different phases, with each phase preoccupied by different concerns. In the first phase most thinkers tried to solve the problems of Muslims in daily life and save them from what they regarded as the dangers of Sufism. Although this current of thought was seen as reformism at the time its concerns were quite different to the problems that concerned the reformists of the 19th and 20th centuries – for instance colonialism, the backwardness of Muslims in education, and the problem of modernization. The reformism of the 19th and 20th centuries was a movement developed by 'ulama and influenced by Middle Eastern scholars. Modernization in Islamic thought in the late-19th century is quite different again from the modernization of the 20th century. This latter period saw the rise of Muslim intellectuals and the decline of the traditional 'ulama in Southeast Asia. This new group enjoys good relations with Muslim intellectuals around the world as well as with Western scholars. Finally, Islamic thought in the 20th century has been dominated by social and political concerns (Martin 1996: 239).

Islam Liberal: From a Textual to a Contextual Approach in Islamic Studies

The term *Islam Liberal* ("liberal Islam") is not traditionally found in Islamic scholarship. Historically, however, liberal thinking in Islam can be said to have first surfaced in religious discourse in philosophy and subsequently in Sufism (Hidayat 2005: 54). Most thinkers in Islam who may be categorized as "liberal" were philosophers, such as Ibn Rusyd (1126-1197) (Wolf-Gazo 1996: 133-36), the author of *Bidayat al-Mujtahid*, a book discussing on the comparative perspective of Islamic jurists on Islamic law. Ibn Rusyd suggested that man is endowed with reason and is capable of seeking and creating truth, in contrast to the traditional view which held that salvation and truth should be based on revealed religious doctrine (Hidayat 2005: 55). It can also be argued that the Mu'tazilah school was involved in the production of liberal thought in Islam at the time. Martin writes the Mu'tazilah was "one of the most powerful theological movements in the early Islamic Middle Ages" (Martin 1996: 114). According to Martin, "the Mu'tazilah was not a unified school at all, but rather various *groups of intellectuals* with common but not identical sects of views". On the question of their perception of the relationship between reason and revelation the school of Mu'tazilah appears liberal and rational compared to other Islamic theological schools. The Mu'tazilah school took the stance that human reason is able to recognize God. Based on their reason they have a duty to thank God for both the good and the bad, as well as a duty to do good and avoid bad (Muzani 1994: 113).

While the Mu'tazilah produced a school of Islamic thought that is recognizably liberal it was not well-known among Muslims. One of the reasons for this was that the school's teachings were vehemently opposed by the followers of the textualist approach promoted by Ahmad ibn Hanbali (780-855), a prominent Sunni jurist. Throughout the Middle Ages the term "Hanbalite" was practically synonymous with the English term "Traditionalist" (Martin 1996: 116; Hodgson 1974: 315-58). Hanbali's work was aimed at countering the influence of the Mu'tazilah of his day. Hanbalism has been associated with several historic Islamic revivalist movements. For example, the revival of Hanbalism in the 14th century was headed by Ibn Taymiyya, and the religious monarchy in Saudi Arabia traces its spiritual heritage to Hanbali, as do many Islamic revival movements in modern times (Martin 1996: 116).

Liberal thought gained ground among Islamic thinkers in the 20th century (Kurzman, 199: 11-19). In his books *Liberal Islam* (1998) and *Modernist Islam* (2002) Charles Kurzman tries to trace the roots of

Liberal Islam. According to Kurzman every region of the Islamic world has witnessed parallel debates over the past two centuries between three traditions of socio-religious interpretation. The first tradition may be called *customary Islam*, characterized by the combination of regional practices and those that are shared throughout the Islamic world. The second tradition is *revivalist Islam*, also known variously as Islamism, fundamentalism, or Wahhabism. The third is *liberal Islam*, which defines itself in contrast to customary traditions and calls upon the precedent of the early period of Islam in order de-legitimize present-day practices (see also Hefner 2000: 3).

To understand contemporary versions of liberal Islam we need to take into account the context of liberal Islam in the 19th century. The main issues that concerned Muslim scholars during this period were the Westernization of Muslim societies, *taqlid* (that established legal opinion should be accepted without question), opening the gates of *ijtihâd* (Islamic legal reasoning), and nationalism (Hefner 2000: 3). Islamic thinkers of the era such as Jamal al-Din al-Afghani (1838-1897), Sayyid Ahmad Khan (1817-1898), and Muhammad 'Abduh (1848-1905) can be regarded as the first modern liberal Muslim thinkers. Kurzman writes that on the intellectual plane these liberal thinkers began to separate *ijtihâd* from *taqlid*, reason from authority (Kurzman 2002: 8; Noer 1985: 119), and were critical of the tradition among Muslims who followed *taqlid* in Islamic law. In Southeast Asia such liberal critiques were promoted by Syaikh Muhammad Tahir Jalaluddin (1867-1957), Ahmad Dahlan (1869-1923), and Ahmad Surkati (1872-1943). In fact, the liberal Islam of the period is generally known under the rubric of "Islamic modernism" (Kurzman 2002: 9; Noer 1985: 117-22).

The other key issue for scholars of liberal Islam was the secularization of Muslim society. The main problem was how to separate Islam and state. Historically this issue was promoted by the Egyptian scholar 'Ali 'Abd al Razîq (1888-1966), who raised the question whether it would be better for Islam to separate itself from the state (1985; 2003: 33-44; Bustamam-Ahmad 2004a: 251-76; Sivan 2003: 36). In Southeast Asia the fierce debate about the merits of separating Islam and State came to a head in Indonesia following the declaration of independence of August 17 1945, in which the secularists were represented by Sukarno and the Islamists by Mohammad Natsir (Anshari 1985: 221-8; Effendy 2003: 33-44; Bustamam-Ahmad 2004a: 251-76). At that time the secularists were able to win the elections and the debates in parliament. It is not difficult to understand why the controversy about secularization, especially whether Islam should be the sole basis of Indonesia, should continue until today (Wahib 2004: 319-41). At independence the Islamic faction in Indonesian politics was divided into two groups. The first group agreed to join the government while continuing to argue the case for Islam to be instituted as the basis of the state of

Indonesia. The second group rejected the government and proceeded to carry out a rebellion in West Java, Sulawesi, and Aceh, known as DI/TII (Darul Islam/Tentera Islam Indonesia or "Islamic State/Indonesia Islamic Force"). The aim of this group was the implementation of an Islamic state and Islamic law in Indonesia. By the early 1960s, however, the Darul Islam movement had effectively ended after all of its leaders had either been arrested or killed (Jamhari 2005: 8).

Following the return of Harun Nasution and Nurcholish Madjid from their studies at Western universities, Liberal Islam began to receive serious attention among Islamic scholars in Southeast Asia. Harun Nasution was one of the most influential scholars in promoting liberal thinking in Indonesia in 1970s. After graduating from McGill Unversity with a dissertation on Muhammad 'Abduh's theological thought he taught at IAIN (State Institute of Islamic Studies). There he argued that Indonesian Muslims were less developed in economic and cultural terms because they were generally theologically fatalistic and static. The theology of Ahl al-Sunnah or Ash'ariyyah seemed to be the primary source responsible for this state of stagnation and underdevelopment (Muzani 1994: 101-2). In the area of Islamic law Indonesians adhere to the Syafi'î school; in theology they affiliate themselves with Asy'ari, and in terms of moral conduct they follow Imâm al-*Ghazzali*. Harun regarded this model of religious interpretation as narrow-minded, therefore an openness to Islamic reformism or modernism was a prerequisite for the development of the *umma*. Harun desired to replace the fatalistic or traditional worldview (theology) of the *umma* with one that was more dynamic, rational, and modern. To solve this problem Harun began to change the paradigm of teaching Islamic studies at IAIN. He proposed subjects that had never before been considered at IAIN amidst a generally hostile response from other scholars, eg. Introduction to Islamic Studies, Philosophy, Islamic Mysticism or Sufism (*Tasawwuf*), Islamic Theology (*Kalâm*), Sociology and Research Methodology (Muzani 1994: 103).

Nurcholish Majdid was the other scholar who played a critical role in promoting liberal thought in Indonesia. He became an icon of Islamic thought Indonesia when he introduced the phrase: *"Islam Yes, Partai Islam No!"* (Islam Yes, Islamic Parties No!). Using such rhetoric he encouraged his fellow Muslims to direct their commitment to Islamic values rather than institutions, even those with an Islamic basis such as Islamic parties (Effendy 2005). About his controversial address on January 2, 1970, when he made his controversial appeal Nurcholish Madjid wrote,

> … I made this presentation because I expected a special, closed meeting with free discussion among the leaders of four young Muslim organizations. There was a strong reaction against my use of such controversial terms as "secularization,"

> "desacralization," "liberalization," "socialism"... I was quite aware of the danger of publicity referring to these points. ... Some of my adversaries suggested that I "repent" and apologize to the Muslim community. This I could hardly have done. Despite my knowledge that the approach was wrong, I firmly believed that the purpose was right (Madjid 1985: 384; Barton 1995: 19).

Besides Harun and Madjid there are a number of other high profile Islamic thinkers in Indonesia who can be categorized as liberal, including former President and former head of NU Abdurrahman Wahid, as well as Ahmad Wahib, and Munawir Sjadzali. Wahid for example, advocated that the notions of Islam were a complementary factor in Indonesia's socio-cultural and political life and the indigenization of Islam (*pribumisasi Islam*) (Effendy 2005: 76). Ahmad Wahib is a controversial Islamic thinker who has promoted ideas about the freedom of thought, modernity and renewal, and contextual *ijtihâd* (Barton 1995: 34-45). Munawir Sjadzali, an ex-Minister of Religious Affairs during the Suharto regime, promoted the issue of the re-actualization of Islamic teaching in Indonesia, especially in Islamic Inheritance Law in Indonesia. He has advocated the total equalization of inheritance rights of male and female children (Sjadzali 1997; Nafis 1995).

Mention should also be made of the *Islam Liberal* network in Indonesia founded by young Muslims in Jakarta. Historically speaking this group originated out of informal meetings of young Muslim activists responding to contemporary issues in Indonesia, especially the growth of radical Islamic movements. These activists include Luthfi Assyaukanie (lecturer at Paramadina University who completed his Ph.D in Islamic Studies at the University of Melbourne), Ulil Abshar-Abdalla (a columnist with an NU background who received a Fulbright Scholarship to pursue graduate studies at Boston and later began a PhD at Harvard University), Ahmad Sahal (a columnist with a NU background), Farid Gaban (ex-journalist), Hamid Basyaib (a researcher at Aksara Foundation), and Deny J. A. (a lecturer at Jayabaya University). In March 2002 they established the Liberal Islam Network (*Jaringan Islam Liberal,* JIL) to disseminate their views through the media. An active website has been established (www.islamlib.com). In a moderated internet chat group called islamliberal@yahoogroups.com they debate issues, respond to questions and views, cite the Qur'an to support their arguments and provoke debates with their critics (Desker 2002: 6).

The young liberal Islamic groups trace their intellectual origins to many sources. Previously this kind of Islamic thought has been promoted by the older generation of intellectuals, such as Harun Nasution, Nurcholish Madjid, Djohan Effendi, Ahmad Wahib, Abdurrahman Wahid, Dawam Rahardjo, and Masdar F. Mas'udi. These

thinkers separated Islam from the political and social situation in Indonesia during the New Order era. The main issues at that time were pluralism, culturalism, inclusivism, modernism, and *pribumisasi* among Muslims in Indonesia (Barton 1997: 337-43; 1999; Saleh 2001). They tended to see Islam not through the lens of *Shari'ah* law but rather in terms of universal values (Riddell 2003: 12). The *Islam Liberal* movement is therefore not introducing a radically new understanding of Islam among Indonesian Muslims. In fact, liberal interpretations of Islam of various forms have strongly influenced the substance of Indonesia's Islamic discourse for a long time. Indeed, the two Indonesian Muslim organizations Muhammadiyah and Nahdlatul Ulama both promote ideas than can be broadly characterized as "liberal Islam".

I have argued elsewhere (Bustamam-Ahmad 2002: 65-82) that at least seven factors are responsible for the liberal outlook of the young generation of Indonesia Muslims. First, the *pesantren* is their intellectual foundation. They are familiar with the classical texts (*kitab kuning*) and Islamic methodology (*Ushû al-fiqh*). This education has helped them to develop into critical scholars following their graduation from the *pesantren*, especially those with a NU background. Many prominent Islamic thinkers in Indonesia, including Nurcholish Madjid and Abdurrahman Wahid, graduated from *pesantren*. Second, many young Islamic scholars have been involved in NGO activities, especially in Jakarta and Yogyakarta. Among the members of *Islam Liberal* and its allies there are numerous NGO workers who are supported by international funding, for example, the Asia Foundation and the Ford Foundation. Third, there is an intellectual network of students who have graduated from Egypt. Many of the younger generation of Indonesian Muslims have learned about contemporary developments in Islam from Egypt (Hidayat 2000: 72-88; Misrawi 2000: 4-28). Fourth, they tend to become liberal because of the Islamic education model in IAIN. Ironically, one of the main reasons why they become liberal when studying at IAIN is that "they do not learn in depth about Islamic studies" (Bustamam-Ahmad 2002). Ken Miichi writes that this youngest generation of NU cadres with an IAIN education inherited the ideas of the leftist intellectual network and formed an Islamic left, working with non-religious and leftist social movements. They have read everything from Marx to Gramsci to Foucault, while in their discussions of Islam they often refer to Western-educated Muslim intellectuals such as Hasan Hanafi and Mohammed Arkoun (Miichi 2003: 22). Fifth, they have been influenced by Islamic liberal thinkers with a Western education such as Fazlur Rahman, Abdullahi Ahmad An-Naim, Mohammad Arkoun, Nasr Ahmed Abû Zayd, Abdul Karim Souroush, Ali Harb, Amina Wadud, Fatima Mernissi, and Muhammad Syahrur. They have translated these Islamic scholars' works into *Bahasa Indonesia* and have sometimes invited them to give informal lectures

at their base camp. Sixth, Indonesianists have played a significant role in educating their members through both formal and informal lessons. Some young *Islam Liberal* scholars have a close relationship with prominent Indonesianists such as Daniel S. Lev and William B. Liddle. Of course, most, if not all, Indonesianists are supporters of *Islam Liberal* in Indonesia (Santoso 2003: 158; Bustamam-Ahmad 2004a: 60-1). Seventh, one can not underestimate the factor of Abdurrahman Wahid as the leading Islamic thinker in Indonesia up until his recent death. It is undeniable that Abdurrahman played an important role in Islamic discourse and became an umbrella for the Islamic younger generation, especially those with an NU affiliation.

According to its website *Islam Liberal* offers a new interpretation of Islam as a religion based on a number of insights. The first is the openness of the gates of *ijtihad* in every aspect. The second is its emphasis on the ethical-religious spirit, not the literal meaning of the text. The third is the acceptance of a relative, open, and plural truth. The fourth is its stand alongside minorities and the oppressed. The fifth is its affirmation of freedom of belief and faith. The sixth is the separation of *ukhrawi* (heavenly) and *duniawi* (worldly) authority, and religious and political authority.

Again, these specific issues do not constitute "a new interpretation" among Muslim scholars in Indonesia. A number of Islamic thinkers in Indonesia have previously discussed the issue of re-opening the gates of *ijtihâd*, such as Hazairin with his "National *Mazhab*", Hasbi Ash-Shiddieqy with "Fiqh Indonesia", Munawir Sjadzali with his "re-actualization of Islamic law", and Sahal Mahfud with his "Social Fiqh". Furthermore, the term "ethical-religious spirit" had been promoted by Mukti Ali in religious studies among Islamic scholars in Indonesia through his course on Comparative Religion at IAIN, inspired by the work of Joachim Wach (1958). By the 1990s this issue had also been endorsed by the Rector of UIN (State Islamic University) of Sunan Kalijaga, Amin Abdullah, a member of Muhammadiyah, in some of his works (Abdullah 1995; 1996; 1998; 2000). His work is not as widely known since his publications do not appear in the national daily newspapers such as *Kompas, Media Indonesia*, and *Republika*. The subject of pluralism was also promoted by Nurcholish Madjid (1994: 55-77) and Abdurrahman Wahid (1999) during the Suharto and *Reformasi* periods. Likewise the issue of secularization in Indonesia has been the subject of debate among Muslims since before Independence, in particular in the fierce debates between Sukarno and Mohammad Natsir (Bustamam-Ahmad, 2001). So what is new about *Islam Liberal* in Indonesia?

According to the JIL website the reason why the group has adopted the name *Islam Liberal* is because:

> The name "Liberal Islam" illustrates our fundamental principles; Islam which emphasizes "private liberties"

> (according to Mu'tazilah's doctrine regarding "human liberties"), and "liberation" of the socio-political structure from unhealthy and oppressing domination. The "liberal" adjective has two meanings: "liberty" (being liberal) and "liberating". Please note that we do not believe in Islam as such – Islam without any adjective, as some people argued. Islam is impossible without an adjective; in fact Islam has been interpreted in so many different ways in accordance to the interpreter's needs. We have chosen a genre of interpretation, and by this way, we selected an adjective for Islam, it is "liberal" (Jaringan Islam Liberal).

The *Islam Liberal* group appears to have adopted the methodology of the Mu'tazilah in their mission to make '*aql* (intellect) dominant over *wahy* (revelation). That is, their arguments are based on logic rather than Islamic revelation.

The *Islam Liberal* network conducts a range of programs and activities. First, they created the liberal Islam writers' network which collects and disseminates writings from known and unknown writers concerned with the theme of pluralism and inclusiveness. They host a talk-show at Radio 68H News Office which invites public figures who are known to be pluralist and inclusive to discuss socio-religious issues in the country. The Islam Liberal Network also actively publishes books concerned with religious pluralism and inclusive religiosity, translations, compilations, and re-publications of old books that have contemporary relevance. Recently they published a compilation of articles, interviews, and discussions held on the theme *Wajah Liberal Islam di Indonesia* ("The Face of Liberal Islam in Indonesia"). They also publish booklets of 40-50 pages in length consisting of unabridged or abridged articles and interviews focusing on "hot" issues such as debates about religious interpretation. These booklets are then often used as "armor" by various activist groups in their campaigns. An important medium for the group is its IslamLib.com website which documents the network's publications including syndications and discussions. The website was built upon the original success of the network's mailing list (islamliberal@yahoogroups.com) which has received many positive reviews. The network is also involved in numerous public campaigns on television and radio aimed at disseminating their message and gaining wider public attention. Some of their campaigns aim to combat inter- and cross-religious conflict in Indonesia. Finally the group holds frequent discussions about Islam, both off-air and on-air, sometimes in cooperation with other organizations like the Goethe Institute and Teater Utan Kayu in Jakarta (JIL).

It could be argued that this latest manifestation of liberal Islam in Indonesia is in fact a response to the recent rise of radical Islamic movements and their demands to establish an Islamic state in

Indonesia and to enforce Islamic law, increased anti-Americanism, and other controversial issues in Islamic discourse such as the position of al-Qur'an and al-Hadith, marriage between Muslims and non-Muslims, gender issues and secularization. Ulil admits to being frequently accused of being an ally of the Americans, a CIA agent, and of having unlimited access to American money (Anwar and Abdalla 2003: 18). In fact, many *Islam Liberal* projects are indeed funded by international agencies and, and they have been entrapped in the "be careful" academic environment post 9/11.[2] Since the emergence of JIL an on-going debate has developed between supporters of *Islam Liberal* including JIL and some young Islamic scholars from Muhammadiyah and NU – and *"Islam Literal"* (Literal Islâm) organizations such as Lasykar Jihad, Front Pembela Islam, Partai Keadilan Sejahtera, Dewan Dakwah Islamiyah Indonesian, and Majelis Mujahidin. Barry Desker points out that the debate between Muslim fundamentalists and the liberals in Indonesia mirrors similar debates between Christian fundamentalists and liberals in the West (Desker 2002: 10). For instance, *Media Dakwah* of Dewan Dakwah Islamiyyah Indonesian publications, accuses JIL of promoting an evil logic, of being a form of terrorism, of being dangerous for Islam, of destroying Islamic theology, of being Orientalists and secularists, as well as being anti-dialogue. Fundamentalist groups debate the *Islam Liberal* activists in open public forums. Sometimes the debate is not about the main topic but rather a "battle of *ayat*s," "the yellow books", and "the voices of *ulama* from the fundamentalist front." In one debate held in Yogyakarta that I attended many of the participants accused Ulil and his friends of no longer being Muslims, but *kafir*. Ironically, these statements came from scholars studying at secular universities, rather than from the Islam-based IAINs or the *pesantren* students (Kuntowijoyo 2001). Fundamentalist groups in Indonesia often appear to be based at and find their inspiration from the secular universities.

Islam Hadhari: The Politics of "Islamic Civilization" in Malaysia

Since independence politics in Malaysia has been dominated by the Malays (Barnard 2004; Kahn 2006; Milner 1994; Cheah 2002; Khoo 2001). When we speak of the Malays it is difficult to avoid discussing the place of Islam in Malaysia, both politically and sociologically. The politicization of Islam has become a key factor in the Malaysian political terrain in recent years. It has found perhaps clearest expression in the so-called "Islamization race" between the ruling party, the United Malays National Organization (UMNO), and the opposition Parti Islam Se-Malaysia (PAS) (Liow 2003: ii). Political Islam has manifested great intra-communal tensions within the Malay community. As the two Malay political parties battle for political

legitimacy and electoral support the resulting competition has led to efforts to institutionalize Islam and expand the religious bureaucracy, thereby sharpening the debate over what Islam means in Malaysia and how it should be practiced (Cheah 2000; Hooker 2004: 149-67).

There are two problems in attempting to situate the place of Islam in Malaysia. The first is the question of the relationship between Islam and the state, which, because it has never been satisfactorily resolved by Islamic thinkers, continues to play a vital role in the ongoing debate. The second is the shift in the meaning of Islamic debates that tend to adopt a perspective that is too focused on Islam as a unifying political and social force (Stark 2003: 176-7).

The most representative Islamic figures in Malaysia are from UMNO and PAS. The political struggle between these two parties has had serious consequences for the implementation of Islamic teachings in Malaysia. PAS provides an interesting example with its attempt at constructing and enforcing a system of "Islamic democracy" in the two east coast states of Kelantan and Terengganu (Stark 2004: 52). Driven by the global resurgence of Islamic consciousness and strengthened by the enthusiasm of the new guard, epitomized by the likes of Fadzil Noor, Abdul Hadi Awang and Nik Aziz Nik Mat, a rejuvenated PAS began pushing a more deliberate Islamic agenda in Malaysia as a political tactic to whittle away support for UMNO (Liow 2003: 2). In UMNO there has also been much debate about the role of Islam in modern Malaysia. Basically, the roots of the controversy involve the question of how to bring Malaysia into the modern era with an Islamic coloring. But the real debate has been over the interpretation of the *Shari'ah*, especially after Anwar Ibrahim joined the party in 1982. Since his days as leader of Angkatan Belia Islam Malaysia (ABIM), Anwar rationalized the theme of struggle for socio-economic justice with the ideals of Islam, and used this philosophy to organize students behind him in a campaign against pro-Western leaders.

The step of bringing Anwar into UMNO has been interpreted as an attempt by former Prime Minister Mahathir Mohamad to weaken the Islamic opposition while at the same time strengthening the government's Islamic credentials (Stark 2003: 179). This situation has had serious implications for UMNO in their election strategy because virtually all Malays are Muslim and most Muslims in Malaysia are Malay. The problem of identity has become a source of debate within UMNO itself. Under Mahathir, Islam was brought to the forefront of UMNO and Malaysian politics, and many of Mahathir's ideas were adopted by UMNO and the government. He used Islam as a wedge to attack the opposition party PAS, accusing them of not being interested in Malaysia's development. UMNO resorted to controlling the mainstream media to generate public apprehension regarding the Islamic opposition. In an attempt to define the boundaries of Islamic politics in Malaysia the UMNO-led government regularly

portrays PAS members as "fanatics" and "radicals" while portraying itself as the representative of "modern" and "progressive" Islam. Provocative remarks purportedly made by PAS leaders over the years and amplified by the government-controlled media have been used to promote negative perceptions of PAS as "fundamentalists" (Liow 2003: 8).

Mahathir's vision of Islam as a force for modernization and industrialization won acceptance from most non-Muslim Malaysians. Muslim Malaysians, however, tended to be uncomfortable with such ideas since they seemed to imply giving special rights to "non-Malays", especially in the economy. Malays increasingly pressured the government to confer special rights on Muslims in the form of bringing back Malay culture with an Islamic coloring.

Following the general election in 1999, tensions increased when PAS extended its political control beyond the northeastern state of Kelantan to Terengganu and become the main voice of the opposition (Case 2002: 137-43). The issues of Islamic statehood, the implementation of *shari'ah*, and the role of women, were the subject of acrimonious debate between the two parties. In early July 2001 in his address to the Convention of the Barisan Nasional coalition in Kuala Lumpur Mahathir controversially declared Malaysia to be an "Islamic State". He made a similar statement in his address at the Gerakan party Annual Delegates Conference in Kuala Lumpur on 29 September 2001. The following year he went even further by claiming that Malaysia was an "Islamic fundamentalist state" and could be proud of the fact. The Malaysian government's policies, he said, were consistent with the fundamental teachings of Islam (Mahathir 2002). He acknowledged that his views would shock many in the West "because they consider a fundamentalist to be someone who is violent and did all kinds of bad things". He said this perception was wrong and that it was not necessarily a bad thing to be a fundamentalist.

It was in the final years of Mahathir's prime ministership that the concept of *Islam Hadhari* began to be discussed in Malaysian government circles in the search for an electorally appealing concept of Islam that was distinct from PAS's demands. In 2002 a committee of *ulama* and intellectuals held a discussion of the concept *Islam Hadhari* with the objective of finding a way to implement an "Islamic state" that was in line with "Malaysian civilization". JAKIM (the Department of Islamic Development of Malaysia) also started to explore the direction of *Islam Hadhari*. At that time JAKIM was only concerned with the aspirations of Muslim civil servants in Malaysia (Salleh 2005: 55). In 2004, new Prime Minister Abdullah Ahmad Badawi announced the concept of *Islam Hadhari* in his speech at the 55th UMNO general assembly (Abdullah Badawi 2004: 1-26; 2005: 1-20). He spoke about *Islam Hadhari* and the need for a globally competitive Malay community. He stated that "*Islam Hadhari* was a

complete and comprehensive philosophy, with an emphasis on the development of the economy and civilization, and the building of Malay competitiveness". He also argued that *Islam Hadhari* was an approach that emphasized development that was consistent with the tenets of Islam and was focused on enhancing the quality of life. *Islam Hadhari* was an effort to bring the *ummah* back to basics, to return to the fundamentals of Islamic civilization as prescribed in the Qur'an and the Hadith. In fact, this interpretation of Islam was similar to the neo-modernism promoted by Fazlur Rahman, a leading Islamic scholar from Chicago University, who has had considerable impact in Southeast Asia since the 1980s through his works and his students (Cone 2002: 52-67; Barton 1995: 1-75). *Islam Hadhari* can therefore be seen as a new name for neo-modernism in Islamic thought. This interpretation tries to open the gate of *ijtihad* for Muslims in the contemporary era by combining classical Islamic scholarships and Islamic civilization with modern or Western ideas and analytical methods (Barton 1995: 7).

PM Abdullah Badawi's formulation of *Islam Hadhari* posited 10 fundamental principles which Muslim countries were obliged to accept and follow: First, faith and piety in Allah; second, a just and trustworthy government; third, a free and independent people; fourth, vigorous pursuit and mastery of knowledge; fifth, balanced and comprehensive economic development; sixth, a good quality of life for the people; seventh, protection of the rights of minority groups and women; eighth, cultural and moral integrity; ninth, safeguarding natural resources and the environment; and 10th, strong defense capabilities (Abdullah Badawi 2004c).

Abdullah Badawi argued that the gates of *ijtihâd* must remain open so that interpretations are suited to the prevailing needs and conditions of the times (2004a). In his 2004 speech at the *Jami Millia Islamia* forum Abdullah Badawi suggested that the problems confronting contemporary Muslim societies today were not the problems of the 16th century and the solutions they need today did not lie with the notion of a *Shari'ah* purportedly final and complete 1,400 years ago (2004c). Abdullah Badawi thus demonstrated his support for the position of *ijtihad* in his status as prime minister, as head of the BN, and as chairperson of the Organization of Islamic Conference (OIC). Islamic modernism and Islamic neo-modernism thus became a political agenda in Malaysia under a different name. Yet it is clear that Abdullah Badawi advanced such ideas in order to counter PAS's political activities in Malaysia, especially regarding Islamic interpretation in the political arena. In his address to the *Jami Millia Islamia* Abdullah Badawi claimed that the opposition PAS had politicized religion to the extent that it had claimed a virtual monopoly on Islam. Abdullah Badawi even accused them of canvassing for votes by telling villagers that they would be assured of heaven if they vote for PAS (2004b).

Abdullah Badawi's strategy of *Islam Hadhari* was divided into stages. First, he asked the people to acknowledge that PAS's interpretation to Islam was misleading and attempted to promote and propagate *Islam Hadhari* to counter PAS's agenda. A special project called the *Islam Hadhari* Foundation was charged with disseminating the concept of *Islam Hadhari* to the Malaysian people through seminars and other activities.

Numerous other departments support the Islam Hadhari campaign. One of the most prominent representative Islamic voices in Malaysia is JAKIM. JAKIM proposes that *Islam Hadhari* is Malaysia's way to implement an Islamic State. The official *dakwah* organization of Malaysia, Yayasan Dakwah Islamiah Malaysia (YADIM), also supports *Islam Hadhari*. For the academic community there is the Institute of Islamic Understanding Malaysia (IKIM) which holds frequent seminars to promote *Islam Hadhari* among scholars in Malaysia. Abdullah Badawi is thus able to exercise his power and authority through many channels. *Islam Hadhari* is therefore clearly an UMNO political agenda, but it is also colored by authority, missionary fervor, politics, as well as an academic panorama and aroma.

Abdullah Badawi argued that it was PAS that politicized Islam, not UMNO. He claimed that it was not in UMNO's nature to trivialize religion. UMNO has never allowed religion to be used as a political tool, it staunchly opposes the use of Islam as an instrument to manipulate people's beliefs, and it has always ensured that Islam and Muslims are protected from such abuse of religion (2004a). Yet it is clear that Islam has frequently been used as part of a political agenda in Malaysia during the era of Mahathir Mohammad, who took every opportunity to argue that Islam could be reconciled with modernization and economic development (Chong 2004; Anwar 1987; Nagata 1984; 1999: 63-90; Jomo and Cheek 1992: 79-105; Shamsul 1997: 207-27; 1998: 55-77). For its part PAS began its life in 1951 by championing democracy and a post-colonial state founded on the teaching of Islam (Noor 2002; 2003a, 200-232: 2003b: 195-235; Abdullah 2003; Liow 2003). And under Anwar Ibrahim, ABIM established in 1971, used Islam to articulate contemporary social issues such as poverty, uneven distribution of wealth, and government corruption.

Abdullah Badawi's *Islam Hadhari* project turned out to be the winning ticket for UMNO in the general elections in 2004. Yang Razali Kassim argues that a significant outcome of the election that year was the re-ordering of the political landscape that was already affected by the growing political and social influence of Islam (Kassim 2004: 1). The use of *Islam Hadhari* by UMNO as a political tool during the election campaign had successfully countered PAS's brand of Islam and its call for an Islamic state. In Abdullah Badawi's address at the 56th UMNO General Assembly in 2005 he declared that he would develop *Islam Hadhari* further for the empowerment of Muslim society in Malaysia (Abdullah Badawi 2005).

It is interesting to note that *Islam Hadhari* became a political formula for UMNO in the 2003-2004 struggle against the opposition. It could be said that *Islam Hadhari* was formulated for the purpose of countering the issue of the Islamic state that was promoted by the PAS. However, most of the Islamic institutions are promoting *Islam Hadhari* as a new way of interpreting Islam. It seems that *Islam Hadhari* has become a tool to develop Malaysia in the image of true Islam.

Islam Progresif: an Umbrella for the Islamic Reformation

On the issue of the relation between *Islam Progresif* ("Progressive Islam"), *Liberal Islam* and *Islam Hadhari* two prominent Islamic scholars, Omid Safi and Farish Noor, have differing opinions. Farish Noor argues that:

> … this debate about Islam *Hadhari*, *Islam Liberal*, *Islam Progresif* is misleading. There is only one Islam and these are merely approaches at trying to understand Islam and its goals in the context of the present. So I would see these as various attempts at trying to locate and contextualise the praxis of Islam in the realities of today. But there has to be one starting point, namely the fundamentals of Islam itself. There can be no addition or questioning of *'aqîdah* and *imân*. When that happens there is no progress or liberalism, only distortion and adaptation that is *bid'ah*.
>
> So when I use the term "Islam Progressive", I mean any application of Islamic norms and praxis that progresses from the fundamentals of Islam. Never any kind of Islam that goes against the tenets of *imân* and *'aqîdah*. Eg: Islam is concerned with social justice, but how do we address the needs for social justice today? For me it means taking into account the effects of globalization, global capitalism, international finance etc. We cannot hide from these realities any more than we can hide from American cultural hegemony and military imperialism. So for me, Islam and Muslims have to confront these challenges, but from the starting point of Islamic fundamentals.[3]

Omid Safi, assistant professor of Islamic Studies at Colgate University in Hamilton, New York, and co-chair for the Study of Islam Section at the American Academy of Religion, summarizes his views as follows:

> I think you'll see that there is a difference between what I am talking about and what Charles Kurzman was doing, especially in the area of the critique of colonialism, as well a more critical attitude towards the excesses of modernity

> in areas of nationalism and environmental destruction, and shortcomings in racism, etc.[4]

"Progressive Islam" is concerned with contemporary challenges to Muslims based on *imân* and *'aqîdah*. It has its origins with the conflict between *Kaum Muda* and *Kaum Tua* in Padang and also some parts of Malaya in the early 19th century (Djamal 1998: 1-45; Roff 1967; Abushouk 2007: 301-22). Farish Noor maintains that the roots of the progressive Islamist project are in the Malay archipelago. It began when this generation of modernist-reformist thinkers, activists and *'ulama* in the 19th century (2004b: 9) spread the ideas of the reformists from the Middle East, influenced by *tahyul*, *bid'ah* (heretical innovations), and *khurafat*, with the intention of purifying Muslim tradition practices (Taufik Abdullah 1985: 94-102; Firdaus Haji Abdullah 1985: 17-19; Kamarulnizam, 2003: 40-43). During the period of intense political, discursive and at times physical conflict between the *Kaum Muda* reformists and the *Kaum Tua* we find the terms *pembaharuan* (renewal), *nahdah* (rebirth, renaissance) and *modernisme* (modernity) being introduced into the discursive economy of normative Islam for the first time (Noor 2004a: 9).

Progressive Islam is a typology of Islamic thought that is concerned with Islamic reformism based on such ideas as *tajdîd* and *islâh*. *Tajdâd* is usually translated as "renewal" and *islâh* as "reform", while *ihyâ* means revival. Some scholars also use the Arabic word *nahdah* which translates as "rising," "awakening," "revival," or "renaissance". Historically, this term began to be used from the end of World War I. According to Jacques Waardenburg the term *islâh* has three different meanings (Waardenburg nd.: 1-3). The first meaning connotes a return to the spiritual core of a religious tradition. In this context the *islâh* movement in Islam desired to return to the essential principles of the Qur'an as well as the early Sunnah (Prophetic traditions). The second meaning is the adaptation of a religion to modern times and its demands which are different from those of earlier times. The third meaning suggests the conscious introduction of self-critical reasoning in the religious domain, such as that expressed by the term "Reform Judaism".

These terms relate to the work and writings of Muhammad 'Abduh and Rashid Rida. In Southeast Asia their ideas were spread by Syekh Tahir Jalaluddin al-Azhari, a former student of Ahmad Khatib and Syed Syaikh al-Hadi in Minangkabau (Djamal 1998; Noor 2005: 165). Farish Noor regards these figures as the founding fathers of Progressive Islam and the Islamic modernist movement *Kaum Muda* in Southeast Asia (2005: 165). In Indonesia these ideas were also promoted by Agus Salim through his organization Jong Islamieten Bond in 1925 and H.O.S. Tjokroaminoto through Sarekat Islam (163-5). Agus Salim was also a student of Syekh Ahmad Khatib. Riddell notes that "Haji Agus Salim, like Mohammad Tahir bin Jalaluddin

al-Azhari, was related to Ahmad Khatib, and studied while posted to the Dutch Consulate in Jeddah during the period 1904-13" (Riddell 2003: 214). Syekh Ahmad Khatib, however, was the originator of the Islamic reform movement in the Minangkabau area, and propagated his ideas in Makkah throughout the last two decades of the 19th century and the early years of the 20th century (Djamal 1998). It is clear, therefore, that the idea of "Progressive Islam" originated with Syekh Ahmad Khatib and his students, Syekh Tahir Jalaluddin al-Azhari and Hj. Agus Salim.

Over the last decade the concept of Progressive Islam has not been discussed in a formal way like *Liberal Islam* and *Islam Hadhari*. For Omid Safi (2003: 48):

> The various understandings of Islam which fall under the rubric of "progressive" are both continuations of, and radical departures from, the 150 year old tradition of liberal Islam. Liberal advocates of Islam generally display an uncritical, almost devotional identification with modernity, and often (but do not always) by-pass discussions of colonialism and imperialism. Progressive advocates of Islam [...] are almost uniformly critical of colonialism, both of its 19th century manifestation and its current variety. Progressive Muslims espouse a critical and non-apologetic 'multiple critique' with respect to both Islam and modernity. They are undoubtedly postmodern in the sense of their critical approach to modernity. That double engagement with the varieties of Islam and modernity, plus an emphasis on concrete social action and transformation, is the defining characteristic of progressive Islam today.

The concept of progressive Islam has not been formally institutionalized like *Islam Hadhari* and *Liberal Islam*. In Southeast Asia every Islamic movement that introduces progressive ideas such as human rights, justice, gender equality, etc. can be regarded as "progressive". Omid Safi points to the works of Chandra Muzaffar and Farish Noor as being progressive in this sense. Chandra Muzaffar has been one Malaysia's leading scholars with his Just World Trust (JUST).[5] He has been very critical of the policies of the Malaysian government, as well as of the West and also Islamic revivalist groups" (Riddell 2003: 255). Chandra Muzaffar has also been heavily involved in religious dialogue in Malaysia. For Muzaffar (2005), common values among religions:

> can be divided into five categories. One, attitudes and orientations which help to make the individual a morally better person and, at the time, elevate the ethical content and quality of society. Two, attitudes and orientations which have a negative impact upon the individual and society, and therefore, contribute towards our understanding and

> appreciation of the positive moral values that we must uphold. Three, values associated with institutions or the human being's larger environment which serve to enhance the moral ballast of human existence. Four, worldviews and visions associated with the meaning of life and life processes which suggest that the different religions may, in some respects, share similar outlooks on what they consider important in life. Five, realities pertaining to the human being and the human condition which, on reflection, seem to suggest that there are common virtues and vices in actual human behavior that transcend religious dichotomies.

He proposes that there are certain universal values brought by religion into the world. These include concepts of good and bad, right and wrong, and issues of ethics and morality. The subject of religious ethics has also been much discussed by Indonesian scholars such as Nurcholish Madjid, Abdurrahman Wahid, and M. Amin Abdullah. *Liberal Islam* activists in Indonesia have also put forward the issue of religious dialogue between Islam and other religions in Indonesia. In Malaysia Chandra suggests that not enough emphasis has been given to developing shared principles and ethics in public life. Even though Malaysia is a multi-ethnic state Malaysia's races live peacefully, but separately – they have separate schools, separate friends, and separate social lives (Jegathesan 2005). However according to Chandra it is partly because multi-ethnic Malaysia continues to hold together that the ruling elite and the influential social stratum in general do not feel the need to introduce a novel idea into the nation-building process – that of emphasizing common values shared by the different religious communities in the country (Muzaffar 2005). It seems that progressive Islam is similar to other streams of Islamic thought in Southeast Asia, especially the modernists and neo-modernists, although it tends to be more anti-American and is opposed to American hegemony in the region.

In summary, as an intellectual movement *Islam Liberal* differs from *Islam Hadhari* in that it does not originate from government sources. *Islam Progresif*, on the other hand, is more of an umbrella term referring to various strands of thought developed by Muslims opposed to the *status quo*. Although *Islam Hadhari* is a newly-coined term it in fact contains many elements in common with other schools of Islamic thought including Liberal Islam and neo-modernist Islam. The rise of Liberal Islam is a response to the increased prominence of hard-line Islamic movements in Indonesia. It is more of a "bottom up" movement supported by many intellectuals, not only in Indonesia

but also in America and the Middle East. In this context progressive Islam can be seen as the inheritor of the historical tradition of Islamic reformism in Southeast Asia. In recent years, however, progressive Islam has tended to be used by some scholars to criticize both Southeast Asian governments and the West, especially America.

In fact, the labeling of Islamic thought is quite confusing for many Southeast Asian Muslims. In Malaysia, many Malays still reject the concept of *Islam Hadhari* because of its name, while in Indonesia many see the Liberal Islam Network as an orientalist organization which promotes the thinking of infidels. In comparing the different schools of thought and the periods in which they have been developed, perhaps Khaled Abou El-Fadl (2005: 18) makes the most apt observation:

> All Islamic groups and organization claim to adhere to the fundamentals of Islam. Even the most liberal movement will insist that its ideas and convictions better represent the fundamentals of the faith.

* * *

Having demonstrated how new streams of Islamic thought in contemporary Southeast Asia have become an area of contestation between governments on the one hand and Muslim intellectuals and groups on the other, the following chapter provides a case study of one such contestation: the problematic relationship between a popular "neo-Sufi" Islamic movement and the Malaysian government.

Notes

1 I wish to thank Patrick Jory and Ronald Lukens-Bull for their valuable comments during the preparation of this chapter.

2 Beshare Doumani listed the following eight "be carefuls" for Muslim scholars: be careful what you buy or borrow from the library; be careful what readings you assign in your classes; be careful what you teach; be careful what you say in class or off-campus; be careful if you apply for funding from the Ford or Rockefeller Foundations; be careful if you criticize Israeli government policies; and be careful if you are a non-US citizen who is going to the U.S. to teach or study; See Beshara Doumani, "Be Careful What You Say on Campus", *A Seattle Post-Intelligencer* (April 2, 2004) http://history.berkeley.edu/faculty/Doumani/academic_freedom.pdf

3 Email correspondence with Farish Noor, 23 October 2005.

4 Email correspondence with Omid Safi, 26 October 2005.

5 Chandra Muzaffar was born in 1947 in Bedong (Kedah). He is a graduate of University of Singapore where he obtained his PhD in Social Sciences

(1977). From 1970 to 1983 he was a professor at the University of Malaysia in political science. In 1985 he became a member of the executive committee of the Asian Commission on Human Rights. In October 1987 he was arrested by the Malaysian government and released without condition in December 1987. In 1988 he was nominated by "Human Rights Watch" as a monitor. In 1989 he was appointed to the National Economic Consultative Committee of UMNO. He resigned his position in 1990 to protest the policies of the committee. In 1992 he was appointed a member of the Malaysian Economic Research Institute (MERI) which he held until 1999. He was formerly Deputy President of Kealidan (National Justice Party), founded in 1998 by Wan Azizah Ismail, the wife of Anwar Ibrahim, http://www.asian-affairs.com/biographies/muzafarcv.html, accessed 30 October 2005.

THREE

From Darul Arqam to the Rufaqa' Corporation: Change and Continuity in a Sufi Movement in Malaysia

Ahmad Fauzi Abdul Hamid

As the year 2006 drew to a close Malaysians were startled by news of allegedly concerted attempts to revive Darul Arqam, an Islamic *dakwah* (missionary) movement banned by the Malaysian authorities in 1994, by members of a flourishing business entity known as Rufaqa' Corporation (henceforth Rufaqa') (See for example, *New Sunday Times*, 26 November 2006; *Utusan Malaysia*, 27 November 2006; *Berita Harian*, 2 December 2006; *Berita Harian*, 3 December 2006; *Berita Harian*, 5 December 2006.). The attempts were said to have been masterminded by Ustaz Ashaari Muhammad, the former Darul Arqam leader who had been detained without trial under the Internal Security Act (ISA) on 2 September 1994, after his repatriation from Thailand in a joint Thai-Malaysian security operation. The two-month ISA detention was followed by lengthy stints of preventive state custody under restricted residence regulations.[1] From a position of relative obscurity in the corporate world (Abdullah 2007: 54) Rufaqa' achieved sudden and widespread publicity as the tool for remobilization of former Darul Arqam members.

In fact, since the second clampdown and mass ISA arrests of the Darul Arqam leadership in mid-1996 Rufaqa' had several times been implicated as a front through which Ustaz Ashaari's loyalists could conceal their activities, which were allegedly still based on Darul Arqam's teachings and ambitions (*Utusan Malaysia*, 12 July 2000; *Berita Harian*, 13 July 2000; *Harian Metro*, 9 September 2001; *Berita Harian*, 7 February 2002; *Berita Harian*, 25 February 2002; *Mingguan Malaysia*, 25 August 2002; *Bacaria*, 28 December 2002; *Harian Metro*, 23 April 2003). The attempt to establish a link between Rufaqa' and Darul Arqam in the mainstream media became more conspicuous after a series of Islam-related security scares (*Asian Wall Street Journal*, 20 December 2001),[2] and more so after the terrorist attacks on the World Trade Centre (WTC), New York, and the Pentagon in

Washington DC on 11 September 2001. It was speculated that failure to stem attempts at reviving Darul Arqam brought calculated risks of violence arising from radical and extremist interpretations of Islam, thus threatening national security (*The Nation*, 3 December 2000; *Utusan Malaysia*, 25 August 2001; *Utusan Malaysia*, 17 January 2002; *Berita Harian*, 23 August 2002). Prior to the "war against terrorism" era the remobilization of former Darul Arqam members was not linked to any organization but rather was portrayed as individual plots by some former Darul Arqam leaders to defend doctrines associated with the *Aurad Muhammadiah*, the mystical Sufi path prescribed by Darul Arqam and declared by the National Fatwa Council in 1994 to be a deviation from Islam (*Berita Harian*, 18 April 1999; *Utusan Malaysia*, 19 April 1999).

Ironically the negative publicity received by Rufaqa' as the *de facto* successor of Darul Arqam also revealed the achievements of its multi-dimensional development within a relatively short period. Records of the Companies Commission of Malaysia (SSM: *Suruhanjaya Syarikat Malaysia*) show that the income of the three main Rufaqa' firms, owned by Ustaz Ashaari as the largest shareholder, had reached RM9.8 million (*Berita Harian*, 4 December 2006). The business operations of Rufaqa' encompassed the whole of Malaysia, centered around three main hubs known as the Central Zone Rufaqa' Project, based in Bandar Country Homes, Rawang, and Kota Damansara, Selangor, the Northern Zone Rufaqa' project, based in Kubang Pasu, Kedah, and the Southern Zone Rufaqa' Project, based in Kuala Rompin and Lanjut, Pahang. These three hubs focused on small and medium industries (SMIs), agriculture, and tourism respectively. All states in Malaysia were reported to have branches of Rufaqa' managing such diverse forms of businesses as retail supermarkets, restaurants and cafeterias, polyclinics and maternity services, traditional therapy, production and distribution of herbal-based products, boutiques and tailor shops, travel and tour agencies, book and magazine publishing, an arts and cultural academy, laundry services, bakeries, motivational and counselling programs, multimedia products, electrical and electronic workshops, vehicle workshops and hotel and inn chains (*The Star*, 28 November 2006; Salleh 2003: 156-7). At the global level recent internal sources of Rufaqa' estimate that its outlets have reached 500 to 700 in number, covering operations in Malaysia, Indonesia, Singapore, Thailand, Australia, Jordan, Syria, Egypt, France and Germany (Ashaari Muhammad 2005a: 62, 68; Khadijah Aam 2006: 14, 126, 235; Rufaqa' Corporation 2006).

Although Rufaqa''s volume of trade is a long way behind the figures for other large private conglomerates and government-linked companies (GLCs), its success in developing Islamic-based business enterprises while being under constant pressure and government surveillance from the moment of its establishment in 1997, merits a case study. Furthermore, Rufaqa' launched its material development

activities alongside the conventional state-supported development path, whose implementation was then in the doldrums due to the onset of a recession triggered by foreign exchange speculation on Southeast Asian currencies. Numerous Bumiputera companies had had to be bailed out by the Malaysian government during the heat of the economic crisis in 1997-98. Yet, at the same time Rufaqa' uniquely developed, as spelt out in its recent company profile: "*on Arqam's grave, in the ISA it grew*" based on the motto '*starting from zero, God as its capital*' (Rufaqa' Corporation, 2006).

The accomplishments of Rufaqa' had been given judicious coverage only by the tabloids, non-Malay newspapers and the foreign media (*New Sunday Times* 30 April 2000; *Buletin Utama*, 29 April - 5 May 2001; *Geletek*, June 2001; *Nanyang Siang Pau*, 24 August 2001; *Buletin Utama*, 21-24 April 2002; *Straits Times* (Singapore), 9 February 2002; *Buletin Demokrasi*, 30 August-5 September 2002; *Harakah Daily,*14 December 2002); *Gatra*, 6 December 2003; *Gatra*, 29 May 2004.). Rufaqa''s image in the mainstream Malay-language press, notwithstanding its material progress, has been perennially overshadowed by its perceived association with Darul Arqam which had been pronounced by the religious authorities as "deviant and deviationist" in 1994. During his 10 years of detention under restricted residence laws Ustaz Ashaari was depicted as a religious figure whose influence needed to be checked, even though progressive elements could be traced in his thinking and organizational activities. For example, the news about Ustaz Ashaari and his followers living in "luxury" in Labuan could be treated as evidence of Rufaqa''s economic success, but the perceived extravagance was instead portrayed as a dangerous influence on the Labuan population (*Berita Harian*, 5 September 2002; *Berita Harian*, 28 November 2002; *Utusan Malaysia*, 28 November 2002; *Utusan Malaysia*, 12 October 2004). Ustaz Ashaari's release from restricted residence on 25 October 2004, followed by the launching of several books authored by him, captured the attention of the English-language mainstream press which gave credit to the success of Rufaqa''s ventures into economic and cultural activities (*New Straits Times*, 6 November 2004; *New Straits Times*, 28 January 2005; *The Malay Mail*, 29 January 2005; *The Malay Mail*, 29 January 2005).

This chapter does not intend to delve into the theological questions which have dragged the state into protracted conflict with groups led by Ustaz Ashaari (see Ahmad Fauzi 2000; 2001a; 2005). This analysis seeks instead the recipes and strategies for development used by Rufaqa', which has exhibited vitality and resilience in the face of persistent challenges in its relations with the state. We seek to show that although Rufaqa' still locates its roots in the intellectual thought of Ustaz Ashaari, significant differences exist between the style of development pursued by Rufaqa' and that followed by its progenitor, Darul Arqam. Such differences become more obvious in

the technical implementation of development strategies. This case study demonstrates that Islamic movements, whether in the realm of theoretical thought or the practical application of strategies, acquire distinctive dynamics, especially in their relations with the state.

Ustaz Ashaari's Thoughts on and Practice of Islamic Development

In an earlier work the present author identified three factors that had given Darul Arqam members extraordinary resilience in the face of internal and external pressures. They are first, the inculcation of the doctrine of Sufi revivalism; second, the acculturation of economic activism; and third, strong messianic convictions (Ahmad Fauzi 1999). Through participation observation, the author has found that all three elements still exist in Rufaqa', although they may differ in details from their Darul Arqam versions.

The doctrine of Sufi revivalism creates a spiritual bond between a spiritual master and his disciples; a relationship which transcends the formalities between the leader and the led or between employer and employees. The legal proscription of Darul Arqam does not threaten Ustaz Ashaari's position as a mentor who is acknowledged as the source of knowledge and blessing by his followers. A Sufi master demonstrates a magnetic force which endears a disciple's heart, mind and physique to him. The perseverance of a disciple in the Islamic struggle is determined more by his spiritual affection for his master than by the organizational discipline that he exhibits. Darul Arqam functions as an official platform of the Sufi movement led by Ustaz Ashaari as the spiritual master. In contrast to conventional leadership paradigms, Sufi leadership patterns rule that the organization depends on and is molded by the leader. In short, Ustaz Ashaari's struggle is not determined by Darul Arqam or Rufaqa' or any platform, but rather by Ustaz Ashaari himself.

Sufi revivalism gives priority to the process of *tazkiyah al-nafs* or *mujâhadah al-nafs* (self-purification or cleansing the heart from the base self) as a prerequisite to qualifying as a supporter of a struggle. During the Darul Arqam era, members were urged to fight their *nafs* (selfish desires) through three stages: *takhalli* (divesting the heart of *mazmumah* or vicious attributes), *tahalli* (filling the heart with *mahmudah* or virtuous attributes) and *tajallî* (instantaneous peace of the heart deriving from unceasing concentration upon God) (Ashaari Muhammad 1983: 78-95; 1991: 64-71). The mechanism of such purification involved the implementation of basic worship (*ibadah asas*) and paramount practices (*amalan utama* / *fadhâ'il al-'amâl*). The minimum target was the attainment of the specific level of *nafs* called *nafs mutmainnah* (the righteous / peaceful self) which corresponded to the level of faith called *imân 'ayyan* (see Ashaari Muhammad 1983: Chs. 4, 81; 2006: 30-31, 159; Abu Dzar

2005: 27-32; Muhammad Hamim 1992: Ch. 2). Humans play a dual role in life as God's servant and vicegerent towards achieving the ultimate objective of *mardhatillâh* (Divine Pleasure). Spiritual strength derived from the conventional Sufi practices of *sulûk* and *uzlah*[3] were not for personal benefit, but rather as a shield to fight off temptations from the *nafs*, the devil and the world when one began to develop systemic general worship (*ibadah umum*) in society. Such general worship was understood in the context of collective obligations (*fard kifâyah*) that must be observed by at least one group of believers so as to exempt the others, such as establishing Islamic forms of family, and educational, economic, cultural, financial, agricultural, welfare, health and information systems. All these constituted material development, but one which had been preceded by spiritual development as the bulwark of the overall system. A developed heart would shield one from spiritual maladies such as greed, stinginess, envy, arrogance, *sum'ah* (love of fame) and *riyâ'* (performance of deeds with the intention of showing off) which had engulfed conventional development actors today. The doctrine of Sufi revivalism does not value spiritual experiences for their innate intuitive qualities except if they benefit the wider community and social development. This doctrine, if truly realized, produces Sufis who actively struggle to implement Islamic systems within the larger society, not passive and introverted hermits. Islam is viewed as a comprehensive way of life, encompassing aspects of both *hablumminallâh* (human-Creator "vertical" relationship) and *hablumminannâs* (human-human "horizontal" relationship) (Ashaari Muhammad 1980; 1984; 1990; Ahmad Fauzi 2001: 177-98).

To Darul Arqam activists who have long participated in the Islamic struggle via the endeavor to erect a comprehensive system of life, the disbandment of Darul Arqam in 1994 caused a "vacuum" in their lives. Having been ingrained with Sufi revivalist doctrines not many of them could get along with other Islamic movements. Not surprisingly, from the moment Ustaz Ashaari founded Rufaqa' in 1997, numerous former Darul Arqam members met him or his family members who were directors of Rufaqa' in search of employment. Although they had made livelihoods for themselves in the conventional economic system, mostly as self-employed entrepreneurs, the urge to fuse their mundane lives with the Islamic struggle was irresistible. They realized that it was impossible for them to erect a comprehensive Islamic system if they continually developed independently in their own fields, albeit successfully. Such a mentality was a far cry from the mode of thinking of the typical Malay, who saw public sector employment as the main route towards socio-economic enhancement. Former Darul Arqam members had been continuously trained in a *tazkiyah al-nafs* environment with the result that the search for personal wealth had negligible meaning to them. In their desire to build an Islamic civilization they utilized

their physical and mental assets for the Islamic cause and strived to divest from their hearts the fear of death and love of the world which were deemed to be the primary causes of contemporary Muslims' weaknesses (Ashaari Muhammad 1984; Abu Dzar 2005: 7; see also Ashaari Muhammad 1990b; 2006a).

Rufaqa''s development path does not stray from the fundamental strategies and methods outlined in Ustaz Ashaari Muhammad's seminal essay, "Implementing Islamic-centered Development: The Darul Arqam Approach" (Ashaari Muhammad 1990a). Sufi revivalist elements remain prominent, but concepts related to it have been widened so as to encompass social development from the outset. This was influenced by the state's close surveillance of Darul Arqam's Sufi practices. Secretive elements which may arouse suspicion from the religious authorities and security services have been drastically minimized. Unlike Darul Arqam, Rufaqa' was established with the approval of the Interior Ministry under the watchful eyes of security officers from the national police headquarters in Bukit Aman, Kuala Lumpur. From its formative phase Rufaqa' had to reject the disassociation method which had so uniquely characterized Darul Arqam's struggle, particularly in its relationship with the state. While Darul Arqam went through several phases of development which signified stages of penetration of its *dakwah* in society (Ahmad Fauzi 2001a: 111-15), Rufaqa' reached out to society via its businesses which played the role of a medium aggrandising God and concomitantly manifesting an Islamic way of life.[4] Rufaqa''s corporate mission enumerates 12 ways in which business enterprises could uphold various Divine laws, thus directly bringing the practising entrepreneur closer to God.[5] As for Rufaqa''s company motto, 'serene and reassuring'; "serene" refers to the character of the heart of an entrepreneur, while "reassuring" refers to the impact of such serenity: the offers of products and services which reassure society (Rufaqa' Corporation 1997). Here, business results in two forms of profit – spiritual and material, for the Hereafter and for this mortal world. According to Ustaz Ashaari, business performs the simultaneous functions of "*a practical and gainful centre of human development*" and "*an avenue for jihâd fî sabî lillâh*" (Ashaari Muhammad 2005b: 644-45) This means that in Rufaqa' the *hablumminallâh* and *hablumminannâs* elements were united from the outset.[6]

In order that its workforce achieves serenity in their hearts Rufaqa' obliges them to participate consistently in motivational and counselling programs aimed at implanting feelings of Godliness and servility. The main motivational module is "*Salât* (daily prayers) Builds Noble Characters" followed by "Building a Happy Family" - both prepared by Harmoni (previously Qatrunnada) Motivational Center which operates under the aegis of Rufaqa''s Human Development Bureau (see Ashaari Muhammad 2005b: 210-48; 384-430). In eradicating evil characters and building exemplary virtuous

characters governing human conduct with God and fellow humans, basic worship and paramount practices receive further detailing in Rufaqa'. Whilst Darul Arqam members were taught that there were five stages of *salât* (Ashaari Muhammad 1983: 96), in Rufaqa' employees were motivated towards understanding nine stages of *salât* (Ashaari Muhammad 2005b: 227-30). This is because levels of *khusyuk* (concentration) in *salât* have been further detailed, with every employee being encouraged to endeavor to reach at least the seventh stage of *salât*. Full absorption in *salât* can engender positive attributes which then beget economic strength (Ashaari Muhammad 2006b: 124-61; Abu Dzar and Mohd. Rasidi 2004: 92-100). As additional organizational discipline Rufaqa' employees are trained to perform their *salât* at the earliest possible of prescribed times and to observe *tahajjud* (nocturnal vigils) every night (Salleh 2003: 167; Ahmad Fauzi 2003: 150; Effendi and Puspita 2004: 119).

Rufaqa''s latest company profile details the steps taken by Rufaqa' employees in developing their company over the past nine years amidst various tribulations.[7] Within such an intensive human development programme company directors are not exempted from giving out charity, praying, and correcting themselves. In fact, in pleading for God's attention they have to lead the others by example. Unlike in profit-oriented capitalist companies, in Rufaqa' the directors treat their subordinates as virtually their own children in a loving family environment (Ashaari Muhammad 2005b: 340-58; Effendi and Puspita 2004: 122-3). Rufaqa' employees, in whatever capacity, are trained to understand that their occupation is part of Islamic work, that they are not workers whose labour is exploited to maximize employers' profits (Abdurrahman and Puspita 2004: 114-6). For them charity takes the practical form of sacrificing personal comfort towards developing their company, which symbolises Islamic civilization. Their accumulated savings, being the surplus amount from their monthly salaries after deducting individual and family needs, are deposited with Rufaqa''s Financial Bureau, which rolls over the funds to settle welfare obligations or add to capital turnover.

Such economics of sacrifice takes place not through enforced regulations but via *tarbiyyah* (education), which can hardly be rivalled by any company, even professedly Islamic ones. Little wonder that Rufaqa''s economic projects developed "*swiftly, inexpensively and with ease*"; Rufaqa' even claims that its employees' productivity, being 10 times that of conventional salaried workers, could reduce its costs by 10 times as well (Rufaqa' Corporation 2006). Capitalist or socialist sceptics will most probably deem Rufaqa''s practice as labor exploitation. They are not capable of envisaging that the spiritual process of *tazkiyah al-nafs* can motivate a caring Muslim to sacrifice his own wants in order to benefit society. Thus, in Rufaqa''s social system poverty is not a problem as long as the poor are contented and the rich are mindful of their social obligations as banks which

provide for the poor (Ashaari Muhammad 2005b: 512-30). The economics of sacrifice, operated on a voluntary basis, are better than Darul Arqam's *ma'asy* system, which regulated income distribution based on needs. As the implementation of the *ma'asy* system was centralized in the hands of the village administration, problems such as a lack of motivation and initiative surfaced among Darul Arqam members, particularly those who were lax in attending *tarbiyyah* programs (Salleh 1992: 169. 209-22; Ann 2005: 100-101).

In Rufaqa'-style Islamic development the system is transformed alongside internal changes determining human behavior. Because of human nature compulsion does not work, or works only temporarily with serious side-effects. Human development programs must therefore be implemented side by side with material development programs. Rufaqa' claims that all of its economic projects are developed on the basis of corresponding human development (Rufaqa' Corporation 2006). Relying on "God's bank" or the "*taqwa* bank" as its capital, Rufaqa' is not dependent on commercial bank loans to fund its projects (Salleh 2003: 171; Abu Dzar and Mohd. Rasidi 2004: 125-32). Rufaqa''s human development programme aims to produce employees who possess *taqwa*, for only such personalities are deemed able to erect "an Islamic economic system as prescribed by God". Their souls have to be purified in order to be capable of "attracting" God's help, which contributes to 90 percent of success as compared with *quwwah* (external strength) which accounts for only 10 percent of success (Rufaqa' Corporation 2006; Abu Dzar and Mohd. Rasidi 2004: Ch. 6). The effectiveness of *taqwa vis-à-vis quwwah* in social development has long been a fundamental tenet in Ustaz Ashaari's thought. He is utterly convinced that success is guaranteed to Muslims only on the basis of *taqwa*, whereas *quwwah* is the channel for non-Muslims to triumph (Ashaari Muhammad 1990a: 132; 1990b: 114; 1990c: 22-3, 144-5). In the Rufaqa' era, Ustaz Ashaari has re-defined *taqwa* as the effort of taking God as one's guardian or shield or protector, by building up in oneself a repository of *mahmudah* attributes (Abu Dzar 2005b: 36; Ashaari Muhammad 1988: 112). He further details eight requisites of *taqwa*, pillars of *taqwa*, the effects of ignoring *taqwa*, the role of *taqwa*, and the general and particular attitudes and traits of those who possess *taqwa* (Abu Dzar 2005b: Chs. 5-6, 8, 10-11). Since he had to develop his company under conditions of movement restrictions and constant surveillance from the authorities, faith in God's will was crucial. To Ustaz Ashaari, conviction in Islam alone is insufficient to beget success, for God has never promised protection for Muslims *per se* unless they possess *taqwa*.[8] As such Rufaqa'-style development can be more appropriately termed "*taqwa*-oriented" rather than 'Islamic-oriented' (see Ahmad Fauzi 2003).[9]

Nevertheless, in its capacity as a business corporation Rufaqa''s development is very much economic-oriented. This distinguishes

it from Darul Arqam which had endeavored to struggle for Islam in diverse fields simultaneously. Although Rufaqa' has also established multi-dimensional bureaus, the need to settle company overhead expenses that far surpass Darul Arqam's expenditure has meant that in Rufaqa''s Board of Directors' meetings at state and national levels the economic agenda is given priority. Close monitoring by the state has also thwarted Rufaqa''s attempts to progress in other non-economic fields. For instance, in the area of formal education Rufaqa' in July 1999 founded the At-Tahalli secondary school in Bandar Country Homes, Rawang, Selangor, operating under a temporary licence issued by the Selangor Islamic Religious Department (JAIS: *Jabatan Agama Islam Selangor*). The school gave free education to children of Rufaqa' employees and the poor, but its permit was revoked in December 2000 after it was accused of trying to revive Darul Arqam (*Utusan Malaysia*, 13 July 2000). Following Ustaz Ashaari's banishment to Labuan in February 2002, attempts by former Darul Arqam members (who may or may not have been involved in Rufaqa') to school their children outside the national education system were similarly foiled (*Berita Harian*, 18 February 2002; *Utusan Malaysia*, 18 February 2002; *Berita Harian*, 21 February 2002; *Berita Harian*, 16 March 2002). Although children of Rufaqa' employees enter formal state schools, they are placed in Rufaqa' hostels which serve as informal schools to provide them with a deeper religious education at the theoretical and practical levels. Some secondary-level students are channelled directly to the National Council of Vocational Training (MLVK: *Majlis Latihan Vokasional Kebangsaan*) program under the Ministry of Human Resources, not the Education Ministry. Technical training is conducted in the various Rufaqa' projects throughout the country, with graduates later honored with accredited qualifications in line with the MLVK's National Occupational Skill Standard (NOSS) (see Ashaari Muhammad 2006b: 276-347; Ahmad Fauzi 2005: 179-186; and Ann 2005: 63-70).

In contrast with Darul Arqam's well-known "villagization" strategy (Salleh 1992: Chs. 5-6; and Ann 2005: pp. 61-63.) Rufaqa'-style community development has taken place in urban areas. This was influenced by the fact that the districts to which Ustaz Ashaari's movements were limited, viz. Bandar Country Homes, Rawang (1994-2002) and Labuan (2002-2004), were neither rural nor inaccessible. The initial mobilization of Rufaqa' in proximity to its Executive Chairman's area of residence enabled him to oversee the company's business despite still being under restricted residence regulations. The establishment of a supermarket in 1997 in a vicinity dubbed Celebration Mall in Bandar Country Homes became the basis for the first of Rufaqa's townships, which were to spring up throughout the country within a few years. Every state in Malaysia now has at least one Rufaqa' township (Rufaqa' Corporation 2006). A Rufaqa' township essentially consists of juxtaposed business premises which

are rented or bought en bloc and then given a Rufaqa' flavor via conspicuous signboards and the presence of company personnel from the local Rufaqa' branch or visiting staff from other branches. The major projects forming Rufaqa' townships are usually a supermarket, a restaurant, a bakery and a boutique-cum tailor shop. Some Rufaqa' townships are made merrier with the inclusion of youth hostels, guest houses and staff residence within its vicinity. Since many activities of Rufaqa' are economic-oriented an urban mobilization suits it better than a bucolic environment in terms of customer relations and accessibility. Seen from another perspective Rufaqa' has helped increase the level of Malay-Muslim proprietorship in urban areas, an objective that had originally been promoted by the state through the establishment of the Urban Development Authority (UDA) in 1971, but which is still at a dismal rate of 11% (Hamil 2004: 119-22; *Utusan Malaysia*, 29 January 2007).

Urban economic imperatives have created active interaction between Rufaqa' and the surrounding non-Malay population. Bandar Country Homes, Rawang, where Rufaqa' built its rudiments, for example, is populated by a 60% non-Malay majority. Yet, through its business platform Rufaqa' has developed closer relations with local non-Malay, especially Chinese residents, as acknowledged by the former President of the Bandar Country Homes Residents' Association, Lim Kwee Eng (*Buletin Utama*, 29 April - 5 May 2001; Salleh, 2003: 257). In contrast with Darul Arqam's ethnocentric image (Nagata 1984: 112; Mutalib 1990: 89) Rufaqa' builds on its informal relationship with non-Malays as neighbors and business customers by forming inter-ethnic business partnerships and social events. During his expulsion to Labuan, for instance, Ustaz Ashaari cooperated with Chinese businessmen and in fact used their licences to run several restaurants and bakeries around Labuan (Ahmad Fauzi 2003: 148; see also *Berita Harian (north)*, 30 July 2004). Two lengthy poems by Ustaz Ashaari argue that *Islam Hadhari* goes hand in hand with a multicultural society, whose integration ought to be realized through the fostering of a love for and fear of God as a universal asset of mankind, irrespective of race and ethnicity (Abu Dzar 2005a: 156-61, 167-71). Ustaz Ashaari's preference for the generic term "God" (*Tuhan*) to 'Allah' in his religious discourse, whether in the form of prose, poem or *nasyid* (Islamic hymn), helps to bridge the gap between Rufaqa' and non-Muslims. For example, he ends his inaugural statement as the Executive Chairman with the dictum, "God is the Supreme Love, Strive for God"(*Tuhan Cinta Agung, Perjuangkan Tuhan*), which was then popularized by Rufaqa''s Cultural Bureau as the theme *nasyid* in its cultural performances (Rufaqa' Corporation 1997).

Socially, Rufaqa''s decision not to impose Arabic-style dress on its staff signifies a readiness to mingle with mainstream Malay society which has a relatively loose dress culture. In the 1980s Darul

Arqam's Arabic-style dress etiquette had created unease among the Malay community and became the overt symbol of Darul Arqam's "extreme" disassociation from modern society (Ashaari Muhammad 1990c: 11-14, 100-101, 149-51). Darul Arqam was portrayed as a movement which repressed women through the imposition of the *purdah* (face-covering veil) and black robes as formal female attire and the practice of polygamy among its leadership (see Ashaari Muhammad 1990c: 170-236; Khadijah Aam 1990; Ann 2005: 70-75). Yet research has shown that Darul Arqam women actively participated in its economic set-up, to the extent of being handed autonomous control of Solehah Enterprise which at its peak managed 15 branches throughout Malaysia, had assets valued at RM0.5 million and a capital turnover totalling almost RM1 million (Salleh 1994: 44).

Undeniably, in the Darul Arqam era Ustaz Ashaari did subscribe to the view that the role of women revolved mainly around the household. Women were permitted to perform social duties only in urgent conditions which required the involvement of women to comply with the *Shari'ah* (Islamic law), such as to spread the Islamic message among fellow womenfolk (Ashaari Muhammad 1990c: 253-4). But in the Rufaqa' era Ustaz Ashaari has strictly prohibited the imposition of obstacles on women's instincts to progress in life. So long as their external affairs are managed properly in accordance with the *Shari'ah* they can advance to become "doctors, engineers and other (professional occupations) (Ashaari Muhammad 2006b: 531-3)." With such a progressive paradigm shift the position of women has been improved by their integration directly into the main structure of Rufaqa' Corporation. Women have been given the opportunity to rise in the corporate hierarchy as bureau deputy directors and unit managers supervising male subordinates. Female leadership and activism in economic affairs are recognized to the extent that women have even represented Rufaqa' at press conferences and other functions as official company spokeswomen and representatives.[10] At one stage financial affairs were entrusted mostly to women (Khadijah Aam 1990: 241). Another indication of the freedom that women enjoy in Rufaqa' is the initiation by the Rufaqa's Cultural Bureau of the all-female Mawaddah *nasyid* group, which has penetrated the Islamic entertainment market through high-profile performances and stage-shows nationally and internationally (Mawaddah, 2004; Khadijah Aam, 1990: 128-9, 185-6; *New Straits Times*, 6 November 2004; *Utusan Malaysia*, 22 April 2005; *Metro Ahad*, 8 May 2005; *Harian Metro*, 8 July 2005). The group has aroused controversy with conservative Muslims who believe that the female voice is forbidden to be heard by men in whatever circumstances.[11]

Rufaqa' and the Malaysian State

The relationship between groups led by Ustaz Ashaari and the Malaysian state has undeniably been transformed from being conflict-

oriented to demonstrating more peaceful characteristics since Abdullah Ahmad Badawi took over the Prime Ministership from Dr. Mahathir Mohamad on 31 October 2003. Following Ustaz Ashaari's freedom from restricted residence regulations on 25 October 2004 Rufaqa' adopted a general attitude of supporting Abdullah Badawi's administration, particularly in connection with the Prime Minister's *Islam Hadhari* policy which ostensibly emphasised civilizational development. Ustaz Ashaari has interpreted *Islam Hadhari* as resembling the vision of an Islamic society that he had been yearning for. In his preface to the book, *Islam Hadhari Menurut Ust. Hj Ashaari Muhammad* ("Islam Hadhari According to Ustaz Ashaari Muhammad") which was launched within three months of his release, Ustaz Ashaari praised *Islam Hadhari* while admonishing the juridical Islamic state as advocated by the Islamic Party of Malaysia (PAS: *Parti Islam SeMalaysia*).[12]

Rufaqa' claims that the opportunity afforded to it to contribute ideas, energy, and time in state-sponsored programs to combat social ills is a form of cooperation with Abdullah Badawi's government in realizing *Islam Hadhari*.[13] Rufaqa' has extolled Abdullah Badawi for his Islamic ambitions, thanked him, and expressed hope that Abdullah will open the path towards a true Islamic state taking place in Malaysia (Asaari Mohamad and Khatijah Aam 2005: 103-6; Khadijah Aam 1990: 108-9). The problems that have arisen between Rufaqa' and the state under Abdullah Badawi focus specifically on issues related to its messianic doctrine and the mystical Sufi path, allegedly harbored and practised by Ustaz Ashaari, which have brought it into conflict only with the religious bureaucracy. During the saga between the state and Rufaqa' in November-December 2006, notwithstanding calls from religious officials and state executive councillors responsible for Islamic affairs (*Berita Harian*, 28 November 2006; *Berita Harian*, 2 December 2006) for Ustaz Ashaari to be re-arrested under the ISA, the security apparatus which had been monitoring former Darul Arqam leaders since 1994 firmly took the position that Rufaqa''s activities did not yet threaten national security (see *Berita Harian*, 30 November 2006; *Berita Harian*, 8 December 2006). Although messianism was a source of strength for Ustaz Ashaari's followers it is not instilled into Rufaqa''s formal human development program. This does not, however, rule out the possibility that some Rufaqa' employees may still harbor convictions and practices dating from the Darul Arqam era on an individual basis.[14]

That the security apparatus has yet to regard Rufaqa' as a threat to national security does not mean that Rufaqa''s vision and mission are necessarily agreeable to the state. In the context of development policy close scrutiny shows that serious differences exist between the approach of Rufaqa' and that of the state. Both operate with distinct worldviews, evident at the level of their respective underpinning philosophies and objectives. What has transpired in the relationship

between Rufaqa' and the state under Abdullah Badawi is a situation of tolerated tension. Rufaqa' is allowed to operate its businesses and build wealth as long as it obeys the law and does not transgress the boundaries of Malaysia's political economy, which functions to serve the ruling elite's patronage politics. If such political taboos are violated – for instance if Rufaqa''s economic influence were seen to threaten the domination of the Malay ruling elite – the state could at any time exert influence on the Islamic bureaucracy and *fatwâ* (Islamic legal ruling) mechanism to press through a religious justification for the outlawing of and possible clampdown on Rufaqa'. Even in areas where Rufaqa' apparently supports the state, such as the policy of *Islam Hadhari*, it would not be difficult for the religious authorities to concoct arguments to the effect that in reality Rufaqa''s version of *Islam Hadhari* goes against the state's official version.[15] Up until now, however, despite the propensity of Abdullah Badawi's administration to leave Islamic affairs in the hands of the religious authorities who are perennially suspicious of anything originating from or linked to Ustaz Ashaari Muhammad, the Prime Minister-cum-Internal Security Minister has been reluctant to perceive Rufaqa' as a threat to the ruling elite's continued control of Malaysia's political and economic resources.

Several differences in terms of the method and implementation of Rufaqa'-style development and state-led development may be discerned. While both approaches emphasize changing Malay-Muslim society in order to achieve excellence in the world and the hereafter, Rufaqa'-style development is evidently more otherworldly-oriented.[16] Rufaqa''s Islamic-based form of human development gives emphasis to spiritual development above anything else. A comprehensive education, for instance, needs to incorporate spiritual education as its main element since this is the sole way of understanding the reality of the human creation (Ashaari Muhammad 2006a). State-led development, by contrast, puts a priority on changes in the intellect or the mind over advances of the spirit or the soul or the heart. At the early stages of his administration Abdullah Badawi associated his *Islam Hadhari* scheme with calls for Malay-Muslims to execute a "mental revolution" which is "very important in facing an exceedingly competitive world" (*Utusan Malaysia*, 24 September 2004; *Utusan Malaysia*, 16 December 2004).[17] *Islam Hadhari* and mental revolution would work hand in hand in building towering Malay personalities through an organized program of developing human capital (*Mingguan Malaysia*, 6 February 2005; *Utusan Malaysia*, 7 February 2005).

When presenting the Ninth Malaysian Plan (RMK-9: *Rancangan Malaysia Ke-9*) in Parliament Abdullah Badawi outlined a comprehensive program of human development which was understood as the "development of knowledge, skills, intellectual capital including scientific, technological and entrepreneurial knowledge, and also

the acculturation of progressive attitudes, and exalted ethical values and morals." The strategy of engendering first-class human capital comprises the following steps: first, raising the capacity and mastery of knowledge; second, strengthening scientific capacity, research and development (R&D), and innovation, and third, fostering a culturally aware and morally strong society (Abdullah Badawi 2006: 25). In the context of the '*taqwa* versus *quwwah*' dichotomy, state-led development clearly emphasizes *quwwah* and denigrates elements of *taqwa*. Abdullah later confirmed that his scheme of developing human capital was to be accomplished by "a program of quality and holistic education" and "a program of developing the human intellect…. in order to develop a society of '*ulul al-bâb',* which is a team of humans capable of analyzing, mastering science, fathoming philosophy and dominating technology" (*Utusan Malaysia*, 16 November 2006). This interpretation of *ulul al-bâb*, as the outcome of first-class human capital development, as a society of scientists, technologists, entrepreneurs and technocrats, excluding spiritual values, differs significantly from Rufaqa''s understanding of *ulul al-bâb* as *ashab al-qulub* or those who are cognisant of the journeys of the heart or the soul (Ashaari Muhammad 2006a: 10-11). While both the state and Rufaqa' target the production of *ulul al-bâb* individuals they have contrasting views about what constitutes *ulul al-bâb* characteristics.

The difference in understanding the role of the human heart and mind is fundamental to the conflict, philosophically and practically, between the development strategy enjoined by Ustaz Ashaari and that espoused by the Malay ruling elite. While the latter also claims Islam to be a significant element in its conventional system of development the different interpretations of vital Quranic verses, such as in the chapters of Al-Ra'd, verse 11 (quoted in Rahman 1970: 259; Ashaari Muhammad 1983: 75)[18] and Ali Imran, verse 190, demonstrate the wide gulf between both schemes. On the former verse Ustaz Ashaari understands the primary agent of human change, i.e. "what is in themselves", as the heart, whereas the state comprehends it as external strength. Similarly, while the state apprehends the term *ulil al-bab* in verse 190, chapter of Ali Imran, as 'men of reasoning', Ustaz Ashaari seeks a more accurate explanation of *ulil al-bab* in the following verse 191: "men who remember Allah standing, sitting, and lying down on their sides, and contemplate the wonders of creation, in the heavens and the earth" (see *Utusan Malaysia*, 16 November 2006; Ashaari Muhamad 1983: 57; Abu Dzar 2005b). Ashaari's view reflects a combination of spiritual elements via *zikr* (remembrance of God) and rational elements via intellectual thinking. In Rufaqa'-style Islamic development the use of the mind is not rejected per se, but it must be buttressed by spiritual strength which guards the intellect from being manipulated by evil desires.

Rufaqa' declares itself to be "the combination of two developments – a human civilization built upon the love for and fear of God so as to erect a material civilization bonded by love and care (Rufaqa' Corporation 2006)." Although the success of its material development is still limited, the dynamics of transformation from Darul Arqam to Rufaqa' offers an interesting case study distinguished by several factors. Firstly, throughout its development Rufaqa' has always been closely monitored by the authorities. While technically it has had to bow to conditions laid down by the state it has at the same time attempted to preserve the fundamentals of the model of Islamic development propounded by Ashaari Muhammad in a seminal essay (Ashaari Muhammad 1990) which spurred the growth of Darul Arqam from 1968 until its banning in 1994. Several changes in the approach to and implementation of development can be identified as Darul Arqam has evolved from an Islamic movement to an Islamic company – the Rufaqa' Corporation. Many of these changes signify modernizing attempts and endeavors to actively participate alongside mainstream development schemes. Compared with Darul Arqam Rufaqa''s approach to economic development is more urban-friendly, more women-friendly, less ethnically prejudiced, and on the whole more socially conscious. Most Rufaqa' employees were formerly members of the banned Darul Arqam Rufaqa' and they continue to draw vitality and resilience from the three factors that influenced the earlier movement: the doctrine of Sufi revivalism, economic activism, and messianism. The author has focused on Sufi revivalism and economic activism in the exposition of Rufaqa'-style Islamic development. Nonetheless, while the existence of the three aforementioned factors is responsibile for preserving the principles and practices of Darul Arqam both on an individual and collective basis, in Rufaqa' they do not hinder change from taking place. This demonstrates that Ustaz Ashaari's Islamic thought is not passive or retrogressive but instead progresses in a reformist style.

Secondly, the success of Rufaqa'-style Islamic development appears to discredit the view popularized by some Western thinkers that religious teachings, especially those of the Eastern religions, slows down or obstructs economic development (Weber 1930; 1965: 264-5; Parkinson 1967:40-1; Means 1969, 282-3). Rufaqa''s strength is founded on its religious understanding and interpretations which exhibit certain differences from the orthodox Islamic viewpoint, as well as its peculiar messianic convictions which motivate its employees to adhere to a futuristic and optimistic worldview that Islam will eventually be glorified as part of God's promise for the *ummah* (global Muslim community) and that one should strive to participate actively in the process of Islamic resurgence, rather than being a bystander (Ahmad Fauzi 2006: 195-212; Khadijah Aam 1990:

202-3, 212-17). Whatever controversy has been aroused by these doctrines, their outcome has been economically active individuals who strive to construct comprehensive life systems in a quest to create a foundation for the struggle and a 'tug boat' for the promised savior.

Paradoxically, state-orchestrated pressure has played a crucial role in motivating Darul Arqam's and later Rufaqa''s economic activism. In the worldview of Darul Arqam's members and Rufaqa' employees, pressure applied by the authorities is viewed positively as a test to atone for past sins, to raise one's spiritual status, and as a filter to eliminate those who furtively bear ulterior motives in the Islamic struggle. In fact, the struggle is further encouraged by such tests which are interpreted as evidence of God's attention to truth seekers. Indeed, it can be seen historically that groups which face pressure from the authorities have been among the most innovative and creative entrepreneurs. For example, many in the middle classes who spurred the industrial revolution in Britain in the 18th and 19th centuries did not hail from the officially recognized Church of England. Many more such non-conformists had earlier fled persecution in Europe and settled in the "New World" where they were able to fully express and develop their industrial and entrepreneurial potential, such that by the early 20th century America had supplanted Europe as the new dominant industrial power. Such phenomena are comparable to the entrepreneurial spirit of economically successful migrant communities to the Malay world such as the Chinese, Indian Muslims, Acehnese, the Minangkabaus and the Bugis (Alatas 1963: 21-34). In a parallel context, the 'emigration' of Darul Arqam members and Rufaqa' employees has takens place in the form of an endeavor to construct an exemplary society which develops outside of, but parallel with, the conventional national development framework.

Thirdly, in the context of the Malay-Muslim political economy in Malaysia Rufaqa''s economic initiatives should be rewarded since the state has specifically pin-pointed the private sector as "the leader of development" and "economic growth", and has spurred "Bumiputera participation in sectors still lacking Bumiputeras" in the RMK-9 (Abdullah Badawi 2006: 23, 41, 58). In its professed National Mission the government promised to "create a conducive environment for the private sector to lead national economic development" (2006: 9). It would be a great loss if a prospective synergy between the public and private sector failed to come about simply due to private Malay-Muslim entrepreneurs' alleged subscription to some form of Islam enmeshed with doubtful mystical and messianic aspects. Their expertise in economic fields relevant to RMK-9 aspirations such as integrity, agriculture, investment and financing, technical and vocational skills (2006: 11-12, 19, 23-4, 29) could be harnessed while a sincere attempt is made to rectify their alleged heterodoxy.

Furthermore, since Malaysia aspires to become "an international hub for *halal* products and services" (2006: 15), Rufaqa''s experience in this field, inherited from Darul Arqam which was recognized as the pioneer of the *halal* food industry in Malaysia in the 1970s (Nagata 1984, 107-8; Mutalib 1990: 87), could be shared. The disclosure of Rufaqa''s equity should be welcomed and encouraged as it is helping to achieve the government's professed target of "at least 30 percent Bumiputera equity ownership towards 2020" (Abdullah Badawi 2006: 39) at a time when official figures put Bumiputera equity in the domestic corporate sector for the year ending 31 December 2004 at only 18.9 percent, a slight decline from the 19 percent registered in 1990 (*Utusan Malaysia*, 14 October 2006; *Utusan Malaysia*, 15 October 2006).

Fourthly, within the context of the political economy of Malaysia's plural society Rufaqa''s experience in independently forming inter-ethnic business alliances should be exemplified by other Bumiputera businesses who have for so long depended on the Malay ruling elite patronage for wealth creation. While non-Bumiputera businessmen continue to cast doubt upon and express uneasiness at the implicit continuation of affirmative action in the form of the New Economic Policy (NEP) after 1990, Rufaqa' has attempted to woo them into trustworthy partnerships through which non-Bumiputera expertise in business can be tapped. Recent developments in ethnic relations have shown discouraging signs of rising racial polarization, with the UMNO Youth becoming increasingly vocal and uncompromising in demanding an unconditional continuation of the NEP and the Malay agenda as main pillars of national development (see *Utusan Malaysia*, 21 July 2005; *Utusan Malaysia*, 22 July 2005; *Utusan Malaysia*, 23 July 2005; *Mingguan Malaysia*, 24 July 2005. *Utusan Malaysia*, 24 November 2005; *Utusan Malaysia*, 6 September 2006; *Utusan Malaysia*, 17 November 2006). At the same time, non-Bumiputera component parties in the government have openly voiced their discontent at the government's preference for a NEP-style development scheme, as it was feared that this would extend the economic "crutches" given to Malays for an indefinite period (*New Straits Times*, 25 July 2005; *New Sunday Times*, 15 October 2006; *Aliran Monthly*, 26, no. 9 (2006): 37). More critical views can be heard from the non-Malay intelligentsia, who perceive the overtly pro-Malay tendencies as detrimental to the aspiration of a *bangsa Malaysia* (Malaysian nation) (*Aliran Monthly*, 25, no. 7 (2005), 2, 4-9; *Aliran Monthly*, 26, no. 6 (2006): 40, 30-33; *Aliran Monthly*, 26, no. 9 (2006): 40, 34-35; *The Sun*, 19 October 2006). To make matters worse some voices in the Malay ruling elite have been heard questioning the whole concept of *bangsa Malaysia*, although it had been accepted as a national agenda of Vision 2020, as outlined by Prime Minister Dr. Mahathir Mohamad in 1991 (*Utusan Malaysia*, 6 November 2006;

Utusan Malaysia, 7 November 2006). In the long term the Malay-dominated state will only aggravate the already fragile unity in the multi-ethnic ruling coalition if it continues issuing veiled or explicit warnings to non-Malay dissenting voices in an effort to cow them into accepting Malay supremacy (*Mingguan Malaysia*, 24 July 2005; *Berita Harian*, 6 October 2006; *Utusan Malaysia*, 13 October 2006; *Malaysia*, 16 October 2006; *Utusan Malaysia*, 17 October 2006).

Whilst Rufaqa''s version of *Islam Hadhari* has been depicted above as friendly to multi-ethnic relations in both theory and practice, non-Malays have increasingly raised concerns at having been left out of the emergent discourse on *Islam Hadhari*.[19] If *Islam Hadhari* is to be a major plank of RMK-9's National Mission in building a national civilization based on sublime universal principles (Abdullah Badawi 2006: 8, 31), non-Muslims cannot be continually left in the dark as to the theoretical understanding and practical implementation of *Islam Hadhari*. At the centre of religious officialdom the Department for the Advancement of Islam in Malaysia (JAKIM: *Jabatan Kemajuan Islam Malaysia*) has to shoulder the main responsibility in disseminating the understanding of *Islam Hadhari* among non-Muslims. The state needs to be firm in enunciating *Islam Hadhari* as the principal national development strategy, encompassing the development of human capital that is free of ethnic and religious bias. This will put to an end to confusion arising from the various official versions of *Islam Hadhari* hitherto issued by different agencies affiliated in one way or another to the state (Salleh 2005: 53-88).[20]

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The problematic relationship between Rufaqa' and the Malaysian authorities raises the issue of religious freedom and indirectly, human rights. The latter has often been regarded by Southeast Asian governments as a Western imposition based on political and cultural assumptions foreign to the region. The following chapter examines how Muslim intellectuals in Indonesia are engaging in a lively debate about Islam and human rights.

Notes

Note: All Quranic references are from *The Holy Qur'an: Translation and commentary by A. Yusuf Ali*, Durban: Islamic Propagation Centre International, n.d. (first edition 1934). The relevant chapter name is given, followed by the verse number; for example, "*Allah is the Protector of the Righteous*" (Al-Jathiyah: 19).

1 Ustaz Ashaari's movements were confined to the districts of Gombak in Selangor (October 1994 – February 2002) and later Labuan, an island off the coast of the state of Sabah in Borneo island (February 2002 – October 2004).

[2] These were the Al-Ma'unah rebellion in Grik, Perak in July 2000, and the ISA detentions of Mujahidin Group of Malaysia (KMM: *Kumpulan Mujahidin Malaysia*) activists in August 2001. KMM was later dubbed by the mainstream media as *Kumpulan Militan Malaysia* (the Militant Group of Malaysia) in an effort to give a negative connotation to it (*Asian Wall Street Journal*, 20 December 2001.

[3] *Suluk* and *uzlah* refer to acts of seclusion periodically practised by sufis in an attempt to gain direct understanding of and knowledge from God.

[4] As declared by Ustaz Ashaari in his capacity as Executive Chairman in Rufaqa''s inaugural company profile: "Rufaqa" means "a true companion". Rufaqa' Corporation was established with the purpose of upholding the Islamic way of life through business enterprises. Regardless of time and place being Muslims we would surely want to prove that Islam is the chosen way of life. The foundation of this enterprise is in placing God as our Supreme Love, and I wish to prove this love though Rufaqa'. The goal of Rufaqa' is not to simply relate the Truth but to manifest the Truth through business enterprise" (Rufaqa' Corporation, 1997; *Buletin Rufaqa'*, no. 2/20, December 2004).

[5] The twelve ways are: first, being able to serve and provide services to society; second, being able to provide food and drinks and other basic needs which are permissible (*halal*); third, being able to foster a friendly relationship between traders and buyers; fourth, being able to cooperate and help one another; fifth, practising tolerance and conceding towards others; sixth, exercising patience and reliance upon God when confronted with the trials and tribulations in business; seventh, training us to be receptive and forgiving in facing the idiosyncrasies of customers; eighth, being able to provide job opportunities for others; ninth, helping to market the products of Muslims through its business networks; tenth, being able to manifest the signs (*syi'ar*) of Islam through development brought about by business; eleventh, being able to help the poor and needy; and twelfth, being able to fulfil the obligation of *zakah* (Rufaqa' Corporation, 1997).

[6] Note that only the sixth of the aforementioned ways in footnote 30 - exercising patience and reliance upon God when confronted with trials and tribulations - can be categorized as part of *hablumminallah* worship without the involvement of other humans. For further details on the philosophy and objectives of business in Rufaqa' see Ashaari Muhammad 2005b: 629-648; Abu Dzar and Rasidi 2004: 106-116; and Abdurrahman and Puspita 2004: Chs. 5-6.

[7] Briefly, employees were taught to conduct post-mortem exercises on their sins and mistakes which had blocked God's help, which was forthcoming only upon the implementation of the following requirements: consistent repentance to Allah and extending forgiveness to mankind, giving out of charity, making amends for sins and promising not to repeat them, observing night *salat* and prayers, and spreading love and care among mankind. Employees were urged to constantly correct themselves. Only as a measure of last resort would unscrupulous and recalcitrant employees be "released" from the company after countless advice went unheeded (Rufaqa' Corporation 2006).

[8] Among Quranic verses quoted in support of such a view are "*Allah is the Protector of the Righteous*" (Al-Jathiyah: 19) and "*And for those who fear Allah, He (ever) prepares a way out, and He provides for him from (sources) he never could expect.... And for those who fear Allah, He will make things easy for them*" (Al-Talaq: 2-4). In these verses God does not mention 'Muslims' but stresses how righteous and fearful of Allah

are those who possess *taqwa*. While Muslims do not necessarily possess *taqwa*, those with *taqwa* must necessarily be Muslim, for Islam is one of the pillars of *taqwa*; see Abu Dzar 2005b: 91-93, 140.

9 The present author has previously analysed Ustaz Ashaari's development model in the context of a "*taqwa* versus *quwwah*" dichotomy in contemporary Islamic thought (Ahmad Fauzi Abdul Hamid 2003).

10 In the heat of the controversy that erupted between the religious authorities and Rufaqa' in November-December 2006 female spokeswomen frequently represented Rufaqa' in giving media statements. They are, among others, Nadia Ismail in her capacity as deputy director of Rufaqa''s Bureau of Combating Social Ills (*Utusan Malaysia*, 27 November 2006), Maryam Syafie in her role as deputy director of Rufaqa''s Bureau of Special Duties (*Berita Minggu*, 3 December 2006) and Siti Khadijah Din as Rufaqa' Manager of Kedah (*Berita Harian*, 7 December 2006). Ustaz Ashaari's denial that Rufaqa' was a front for reviving Darul Arqam was delivered to *Berita Harian* (published on 5 December 2006, see also http://malaysia-today.net/blog2006/letters.php?itemid=1244) by his daughter-in-law, Murshidah Mustafa. Murshidah and Khadijah Aam, a wife of Ustaz Ashaari, had previously represented Rufaqa' in an official meeting with the Department for the Advancement of Islam in Malaysia (JAKIM: *Jabatan Kemajuan Islam Malaysia*) at JAKIM's headquarters on 21 March 2005. On 17 February 2005, Khadijah Aam also represented Rufaqa' to an official meeting between the Internal Security Ministry (KKDN: *Kementerian Keselamatan Dalam Negeri*) and selected non-government organisations (NGOs) to solicit their participation in the *Enam Jahanam* street festival to combat the drug menace among the youth.

11 This has led, for example, to the banning of open Mawaddah performances in Kelantan, whose government is controlled by the opposition Islamic Party of Malaysia (PAS: *Parti Islam SeMalaysia*), see "Kenapa Haram Nasyid Kami?, *Warta Seni*, no. 32, 1 - 31 May 2004.

12 "The concept of Islam Hadhari was first mentioned by our Prime Minister Datuk Seri Abdullah Ahmad Badawi. We Malaysians should be grateful and thank the Prime Minister for introducing a novel and prudent formula which is appropriate for all communal and ethnic groups in Malaysia. The Prime Minister's suggestion is for the benefit of all of us. I think that this is a change and a greatly needed and long awaited paradigm shift. Islam Hadhari has become a grand scheme of the Prime Minister to make Malaysia and Malaysians truly excellent, glorious and distinctive. It is a practical and effective step to raise the status of Muslims in particular and Malaysians in general. Towards such a purpose, all Malaysians, irrespective of religious, communal and ethnic group need to understand and accept it open-heartedly and without prejudice. Islam Hadhari brings forth both human and material advancement. Human advancement results in security and harmony. Material advancement produces progress and prosperity. These are what Malaysians of various communal and racial groups have been longing for…. I am convinced that if Malaysians comprehend and strive for Islam Hadhari as proposed by the Prime Minister from now on, we will witness an extraordinary change in Malaysia – one which greatly benefits its people and the state. I really wish to emphasize that it is better to talk of Islam Hadhari than the Islamic State as advocated and understood by certain quarters. The concept of Islam Hadhari is more global and wider than the Islamic State. Islam Hadhari deals with people of all stages in all aspects of their lives, irrespective of their religion and race…. Islam Hadhari brings forth theological belief and a system of life.

For Muslims, both the theological belief and system of life are taken. Non-Muslims, on the other hand, can take the Islamic system of life which is in line with human nature without accepting the theological belief associated with it" (Abu Dzar, 2005a: x-xii).

13 Ustaz Ashaari is fond of stressing the state's acceptance of him in his counter-criticisms of former Darul Arqam members who have publicly disowned and censured him (see Asaari Mohamad 2005: 60, 68, 76, 111, 125, 144).

14 As emphasised by Ustaz Ashaari in his response to *Berita Harian*, see http://malaysia-today.net/blog2006/letters.php?itemid=1244 (accessed 28 December 2006).

15 Although Rufaqa''s version of Islam Hadhari had received a positive response from the mainstream media (see *Berita Harian*, 27 January 2005; *Mingguan Malaysia*, 30 January 2005), JAKIM still regards it as deviating from the official version of Islam Hadhari (see *Berita Minggu*, 13 March 2005, and "*Harian Metro*, 1 July 2005).

16 Note Abdullah Badawi's reminder in his keynote presidential address to the 57th UMNO General Assembly, "If we focus only on the hereafter, we will waste our existence in this world.... Islam Hadhari is an approach or method. It is a philosophy which reminds Muslims that our faith exhorts us to achieve worldly success" (*Utusan Malaysia*, 16 November 2006).

17 Abdullah Badawi's first presidential address at the 55th UMNO General Assembly, "Menuju kecemerlangan", *Utusan Malaysia*, 24 September 2004. This reflects the Malay agenda demanded by UMNO Youth activists following the 13 May 1969 ethnic riots. They called for a "Mental Revolution aimed at changing the thinking, views and attitudes of members of society in adapting themselves to the needs of time so as to motivate them to be more active in progressing in all fields of life." *Revolusi Mental* later became the title of a book containing articles compiled by UMNO Secretary-General Senu Abdul Rahman (Kuala Lumpur: Penerbitan Utusan Melayu, 1970), which was later reprinted by Utusan Publications and Distributors and distributed to delegates to the 53rd UMNO General Assembly in 2002 (see *Utusan Malaysia*, 16 December 2004).

18 This verse means: "*Verily never will Allah change the condition of a people until they change what is in themselves.*"

19 A non-Malay academic, Dr. Sarjit Singh Gill of Universiti Putra Malaysia (UPM), recently concluded that the dissemination of information on Islam Hadhari had unduly concentrated on the Malays and had ignored non-Malays altogether (see his newspaper article in *Berita Harian*, 16 December 2006).

FOUR

Diverse Voices of Human Rights in Islam in Indonesia

Eko Ernada

The discourse of human rights and Islam has been the subject of considerable attention and a growing body of scholarly literature in Indonesia in recent years. This attention is not simply part of the academic agenda of a moderate-liberal Islam but has also become an important issue of the Islamist movement. The literature on Islam and human rights that has been produced by liberal or reformist Muslims is widely recognized, especially in Western academic circles. However interpretations of human rights on the part of the Islamists have received much less attention. Part of the reason for this is that interpretations of liberal or reformist Muslims seem to fit with the broader philosophy of Western liberalism with its underlying values of tolerance, pluralism, and moderate secularism. Islamist thinking, on the other hand, tends to be seen as lacking in intellectual creativity and having the potential to disturb the harmony of the majority of moderate Muslims.

In contributing to human rights discourse Indonesian Muslims, like Muslims in many other countries around the world, seem to face an underlying tension between their religious tenets and existing social, political, and economic realities that are not always conducive to the realization of those beliefs. The dynamics of modern Islamic movements in Indonesia over the past 70 years have left an indelible mark on Indonesian Islam. That is, it has produced a Muslim society characterized by a plurality of socio-religious groups, ideas and strategies (Hikam 1997). Consequently the subject of human rights and their implementation have generated different responses among different Islamic groups. This chapter describes the plurality of Muslim responses in Indonesia to the modern conception of human rights, drawing in particular on Muslim interpretations of key issues in the discourse of human rights and Islam today: women's rights, religious freedom and minority rights, and corporal punishment. This

investigation will serve to illustrate the overarching debate on the compatibility between the modern liberal concept of human rights and Islam.

The chapter focuses on the following questions: how do Muslims in Indonesia respond to the debate of Islam and human rights? How do they deal with the challenge of the compatibility between Islam and the principles of human rights, which include women's rights, religious freedom and minority rights, and corporal punishment? It argues that Muslims in Indonesia do not subscribe to a monolithic interpretation of human rights and Islam. Muslims' participation in human rights discourse is determined by dynamic tensions between two interconnected yet disparate discourses. The first comes from conservative Islam which argues that Islam is a religion whose universal claims encompass the realm of human rights. The second discourse can be characterized as liberal or reformist. It argues that the modern, secular-based concept of universal human rights is compatible with Islam. In addition, both groups are required to operate within the framework of the state's own interpretation of human rights principles in accordance with national interests.

There is an impression that conservative Islam in Indonesia has risen dramatically in recent decades. Most evidence, however, suggests that this view is greatly exaggerated. In terms of human rights discourse Indonesian Muslims in fact appear to lean towards liberal arguments. As a consequence, despite the persistence of patterns of human rights violations, human rights conditions, especially relating to women's rights, religious and minority rights and corporal punishment, nevertheless seems to be in advance of many other Muslim countries.[1]

Indonesia, Islam, and Human Rights

Despite being the most populous Muslim country, Indonesia is considered by many scholars to have played a relatively minor role in the international debate on Islam and human rights (Sukma 2003; Deall 2004: 136-55). For instance, in the drafting of the Cairo Declaration of Human Rights in Islam (CDHRI) in 1990, although Indonesia gave a presentation at the meeting to draft the Declaration there is no clear record whether Indonesia supported or rejected the draft. In the early debates on the Universal Declaration of Human Rights between 1946 and 1954 Indonesia entered as an individual participant in the debate, but was only on the Third Committee of the United Nations General Assembly where the debate about the implementation of articles in the two covenants was concluded (Waltz 2004: 299-844).

Nevertheless over the past 40 years Indonesia has been diligent in accepting major human rights conventions. It has ratified 12 of the 16 main UN conventions (Maznah 2002: 230-50) including the

Universal Declaration on Human Rights, the International Covenant on Civil and Political rights (ICCPR) and the International Covenant on Social, Economic and Cultural Rights (ICESCR), and the International Covenant on the Elimination of All Forms of Discrimination against Women (CEDAW) (2002: 808).

Meanwhile, though not a leading player Indonesia has often been present at various initiatives to draft an Islam-based human rights declaration or convention. For instance, Indonesia hosted the Non-Aligned Movement (NAM) conference in Jakarta to discuss the Universal Declaration of Human Rights (UDHR) prior to the 1993 World Conference on Human Rights in Vienna. At the NAM conference, though not specifically Islamic in focus, a number of Muslim-majority NAM nations strongly supported proposals for a more culturally relativist approach to international human rights, arguing *inter alia* that the UDHR did not take sufficient account of specific non-Western religious outlooks and principles (Littman 1999: 2-7).

Yet there has been no commitment on the part of the Indonesian government to a foreign relations and human rights agenda based on an Islamic perspective. As Fealy argues, "none of the governments from 1950 through the late of 1990s were driven by an Islamic-orientated diplomatic or human rights agenda" (Fealy 2006). This is principally because the Sukarno and Suharto administrations seemed wary of Islamism. They believed that Islamism was not only harmful to the domestic and international interest but that it also posed a potential threat to the political dominance of their respective regimes. In the post-Suharto era the government of Indonesia has appeared to be more supportive of Islamic causes, especially with regard to domestic political issues. However the foreign policy of Indonesia remains non-religious in its orientation. For instance, the decision by the Susilo Bambang Yudoyono' government in 2006 to send Indonesian troops to Lebanon was proposed only to gain sympathy from Muslim voters.

At the non-state level the discussion or participation in international debates on Islam and human rights is also sparse, especially in regard to international Islamic bills of human rights such as the UIDHR and the CDHR. The issues of the UIDHR or the CDHR are largely absent from public discourse, whether at the State Islamic Universities (UIN/IAIN), in the mainstream Islamic organizations like Muhammadiyah and Nahdlatul Ulama (NU), or even among NGOs. They have failed to make UIDHR and CDHR an important theme in their debates and discussions. There are, of course, some voices active in promoting the issue of human rights in Islam, but they have never been successful in garnering momentum for that purpose. In other words, while Indonesia has positively participated in the establishment of international human rights norms, it has not sought to assert a specifically Islamic conceptualization of such rights.

Diversity in Muslim Interpretations of Human Rights

In participating in the human rights discourse Muslims in Indonesia do not subscribe to a single interpretation but have diverse opinions of the notion of human rights.[2] These opinions can, however, be categorized into two broad groups. The first interpretation is based on the conservative argument which claims that Islam is a religion whose universal claims encompass the realm of human rights. The second interpretation is developed from a liberal argument which argues that the modern, secular-based concept of universal human rights is compatible with Islam. These two streams of Islamic thought regarding the issue of human rights are in constant tension. For the conservatives the position that Islam contains universal principles which may or may be not compatible with the principle of universal human rights is considered beyond dispute. Islamic groups and leaders have their own interpretations of such universal principles. On the other hand advocates of secular-based human rights principles also have their particular understanding of certain Islamic principles. It is therefore necessary to discuss the basic elements of the two streams of thought on human rights as they are defined in academic circles and articulated in the Indonesian context.

The Conservative Argument

"Conservative" here is used in the limited sense meaning a conception of human rights that follows the notion of rights as prescribed by the *Shari'ah*. The *Shari'ah*, according to conservative Islam, has accommodated all the needs of humanity, including human rights. However, those who argue that the *Shari'ah* lays out the basic concept of human rights in Islam tend to contrast it with the experience of pre-modern Islamic legal culture and the values of traditional societies. There is less examination whether or not this legal culture and traditional values remain appropriate to modern society (Mayer 1995: 167-8). Thus, conservative Islam tends to neglect the conflict between such a limited view of the *Shari'ah* on human rights and the modern concept of human rights.

Using the *Shari'ah* as the main reference to the conception of human rights in Islam has resulted in an ambivalent attitude among Muslims towards international standards of human rights. This is because on the one hand the pull of historical religious traditions appears to sanction discrimination on the grounds of religion and gender. On the other hand, the push of modernist domestic and international forces in favor of human rights proscribes discrimination on such grounds (An-Naim 1990: 178). In order to implement principles of human rights based on Islamic law conservatives advocate formalistic legal strategies. The formalization of Islam in all dimensions of life, through laws and supported by the state, is the only option to fully implement Islamic teachings. This means that the

establishment of an Islamic state or developing an Islamic society based on the *Shari'ah* is a prerequisite for the realization of human rights (Brumberg 2002: 110; Roy 1994).

In the context of Indonesia the voice of the conservative argument is articulated in various ways by Islamist groups. The term "Islamists" here refers to those who seek to apply Islamic teachings not just as a religious and moral guide for their own private lives but also as the framework for political, social, economic, and cultural activities (Riddle 2002: 71-3). There are many forms of Islamist groups including political parties, militant activists, and educational and intellectual activists. The main Islamist political parties in Indonesia are the Prosperous Justice Party (Partai Keadilan Sejahtera, PKS), the Crescent and Star Party (Partai Bulan Bintang, PBB), and the United Development Party (Partai Persatuan Pembangunan, PPP). These parties campaign to implement Islamic law but the record shows that they nevertheless adhere to the democratic rules of the game in their struggle to achieve their goals. The militant activist Islamist groups include the Islamic Defenders' Front (Front Pembela Islam, FPI), the Indonesian Mujahidin Council (Majelis Mujahidin Indonesia, MMI), and Hizbut Tahrir Indonesia (HTI)). In spreading their ideas these groups tend to use direct action such as demonstrations and mass protests. In some instances their campaigns involve the use of violence.

The contribution of Indonesian Islamists to the human rights literature is characterized by two streams of thinking. The first stream is based on a perception that there has been a systematic and gross violation of local Muslim's human rights. Fealy argues that "the issue of Muslims as victims of human rights abuses is talismanic among Indonesian Islamists" (Fealy 2006). There are wide-ranging abuses of the Muslim community's human rights by the state, from the political, economic, and social marginalization of Muslims to their wrongful incarceration and even mass murder. During the Suharto era in particular, as international human rights organizations such as Asia Watch have reported, many Islamic activists suffered from state oppression. Muslim activists were charged with offences ranging from the use of violence in pursuit of the establishment of an Islamic state to undermining the state ideology, but in many cases Muslims have also been persecuted on the basis of the non-violent expression of their religious beliefs (Orentlicher 1989: 75-121).

Numerous publications record the abuses of the human rights of Muslims in Indonesia. One of many examples is Al Chaidar's *Bencana Kaum Muslim di Indonesia, 1980-2000* (The Disasters of the Muslim Community in Indonesia, 1980-2000). In his book Al Chaidar presents evidence of the state's violation of the human rights of the Islamic community, including detailed documentation of the infamous Tanjung Priok incident in 1984 in which more than 200 Muslims were gunned down by military forces in Jakarta. Another incident was

the Talangsari case in Lampung in 1989 in which over 100 Muslim villagers were killed by the Army. The book extensively outlines what Al Chaidar claims to be the increasing restrictions placed upon Indonesian Muslims, not only in the political arena with opposition to political Islam, but also perceived discrimination against Muslims in economic activities and their careers (Al-Chaidar 2000).

The second stream of thinking in Indonesian Islamist human rights literature is the literalist approach to scripture and law. Islamists believe that for Muslims to live piously the Quran must be implemented to the letter, especially those sections prescribing moral behavior and punishments. Therefore it is obligatory for Muslims to implement the *Shari'ah* in a thorough way. In this regard the MMI goes one step further than other Islamists group in its struggle to install Islamic law by offering a draft of the MMI Criminal Penal Code which it publicly released in Yogyakarta in 2002.[3] The stated purpose of the draft is to replace the Indonesian Constitution. It consists of a penal code based on Islamic law which governs all legal matters. The draft also includes a number of discriminatory provisions, for example, that only Muslims are eligible to be elected as president of the country, and the death penalty for those who leave Islam (Ahnaf 2006: 4-6).

The Liberal Argument

Liberal Muslims believe that Islam and human rights are not incompatible, and that their basic principles are not mutually exclusive. Moreover, liberal Muslims do not deny that there is a tension between Islamic principles of human rights and the rights stipulated in the UDHR. According to liberal Islam, the rights in Islam which refer to the classical *Shari'ah* need to be reinterpreted since they are not appropriate for implementation in the modern era (Ernada 2005: 607-27). The Islamic liberal view on human rights issues goes one step further than its conservative counterpart by attempting to provide a fresh interpretation of the classical *Shari'ah*. According to Islamic liberals the *Shari'ah* was shaped and developed in the early Muslim era and was justified by and dependent upon the historical context (An-Naim 1990: 170). Moreover, the classical *Shari'ah* does not in fact form a comprehensive legal system but consists mainly of general religious and ethical principles, such as prayer and fasting, solidarity within the community, mutual respect between the genders, and tolerance towards minorities (Al-Asmawy 1989: 124-5). With regard to the current discourse on human rights the *Shari'ah* as a source of Islamic rights may need to be re-developed further in order to create an alternative formulation of Islamic public law that eliminates the limitations of the *Shari'ah* on human rights issues.

Liberal Muslims have made a significant contribution to the discourse on Islam and human rights in recent times (Bielefeldt 1995:

608). They have argued for and facilitated reforms both in the field of law and in theology. Their critical approach has paved the way for political and legal changes. Moreover, liberal Muslims have also provided a new awareness of the humane character of the Qur'anic revelation which is the most important source of the *Shari'ah*. Liberal Muslims' attitudes reflect the responsibility of the human being as a deputy of God (*khalîfah*) on earth, where they must respect human dignity and honor, as stated in the Qur'anic verse QS 2:30. In another Qur'anic verse (33:72), it is mentioned that God has bestowed a special trust upon humankind and has elevated the human person above all cosmic powers. The main concern of liberal Muslims is how to eliminate the limitations inherent in the *Shari'ah* 's view of human rights. For instance, on the issue of religious freedom liberal Muslims like Mohammed Talbi argue that it is necessary to understand that in relation to religious tolerance the *Shari'ah* has a limited view (Talbi 1991: 31). He suggests that a faithful Muslim's submission to the unfathomable divine should lead to the mutual recognition that human beings are endowed with freedom of conscience, because no one can claim to know God's plans concerning his or her fellow humans.

In the Indonesian context liberal arguments on the discourse of Islam and human rights have been articulated by neo-modernist thinkers. The views of the neo-modernists are very influential in public discourse. Using liberal arguments they have developed the view that Islamic and modern, secular perspectives on human rights do not contradict one another. They even share commonalities reflected in some basic principles. This makes it possible to open the door for reconciliation and cooperation between the two discourses of human rights. For example, Nurcholish Madjid (d.2005), one of Indonesia's leading Muslim intellectuals over the last four decades, suggests that that both Islamic and Western secular traditions share similar cultural roots, namely, the Abrahamic religious tradition. Western culture and its value system have origins in the Judeo-Christian canon, which in its development informs the existing UDHR. Islam owes some of its sources to the same tradition (Madjid 1997: 65).

The liberal perspective on human rights and Islam is also found in the views of the *ulama* associated with the Nahdlatul Ulama (NU), the organization representing traditional *ulama* and their disciples.[4] Despite its traditionalist roots NU's views on Islam and modernity tend to be accommodative. On the issue of human rights and Islam NU produced a *fatwa* (religious decree) at the National Conference of Ulama NU in 1997 (Musyawarah Nasional 'Alim Ulama) (Woodward 2001: 32)[5] calling for human rights to be respected and upheld in Indonesia by all components of the nation, including the *ulama*, *umara* (government) and *ummah* (society). The *fatwâ* mentions five basic principles:

1. the protection of religious consciousness and observances (*hifzh al dîn*);
2. the protection of life (*hifzh al nafs*);
3. the protection of thought and freedom of opinion (*hifzh al-'aql*);
4. the protection of property (*hifzh al-amwâl*); and
5. the right to enter into marriage and protection of reproductive rights (both are included under the rubric of *hifzh al nasl*) (PBNU 1998: 51-53.).[6]

These five principles parallel and demonstrate clear similarities to the universal principles of human rights. The NU *ulama*s recommended that the National Board of the NU use those principles in its struggle for human rights in Indonesia. The conference recommended that the government implement human rights legislation and bring to justice the perpetrators of human rights violations in the past.

While neo-modernists support the idea of human rights they also encourage more critical interpretation of the *Shari'ah* 's definition of human rights. For instance, Munawir Sjadzali (d.2005)[7] has argued that to increase Muslims' participation in international human rights discourses Muslims should look not only to the relative texts (*nass zanni*) of the Qur'an and the Sunna, which certainly can be interpreted, but also their absolute texts (*nass qat'î*), which are usually regarded as not interpretable.[8] Sjadzali uses the example of the issue of slavery and the right to life as a free human being. According to Sjadzali it is true that the Prophet SAW appealed to slave owners to either treat their slaves more humanely or to set them free altogether. Up until the death of the Prophet SAW, Islam did not totally abolish slavery. Yet in the modern era humanity has condemned slavery in all its manifestations as a human evil. If, therefore, Muslims uphold the verses that recognize slavery as being part of the *status quo* of the time of the Prophet SAW, and that Muslim society had not finished what the Prophet SAW had begun in setting slaves free, they are hardly in a position to discuss the question of human rights, since the most fundamental human right is the right to life as a free human being.[9]

Debate on the Compatibility between Islam and Human Rights

It is instructive to observe how the streams of Islamic interpretations of human rights outlined earlier have been articulated in the context of specific debates that have preoccupied the discourse in Indonesia: women's rights, religious freedom and minority rights, and corporal punishment. These three issues have been put forward by many scholars as representing a challenge to the reconciliation between Islam and human rights.

Women's Rights

When discussing the compatibility of human rights in Islam with universal human rights the issue of women's rights represents the most controversial issue. Broadly speaking, Muslim women do not enjoy rights on an equal footing with Muslim men and are subject to regular human rights violations. Many public policies whether intentional or not have had the effect of negatively discriminating against women. Violations of women's human rights range widely from limited participation in the public sphere to domestic violence. Discriminatory attitudes and behavior of many Muslims on the issue of gender roles and the role of women specifically are the result of the combination of a patriarchal culture and a patriarchal reading of Islamic teachings that is reflected in conventional *fiqh* (Munir 2005: 1-37).

There has been extensive debate between conservative and neo-modernist Muslim on the subject of women's rights, especially in relation to the issue of the participation of women in the public sphere, women's reproductive rights, and issues related to domestic violence. The debate on women rights has achieved considerable prominence in the political arena, especially when Megawati ran her election campaign for the Presidency in 1999 and 2004. Both conservative and neo-modernist Muslims raised arguments based on their interpretations of Islamic teachings. The debate between conservative and neo-modernist Islam on the issue of women's rights in most cases refers to the most popular verse concerning women's status in Islam, the QS Annissa: 34, which regulate the rights and responsibilities between men and women. QS Annisa: 34 states:

> Men are the leaders of women, because God has given the one (men) more (advantages) than the other (women), and because (men) have supported them from their means. Therefore, the righteous women are devoutly obedient to God (and) protect themselves in the absence of the husband as God has protected them. As those women on whose part ye fear disloyalty and ill conduct, admonish them and refuse to share their beds, and beat them. If they return to obedience, seek not against them for God is the Most High (and) Great.

For neo-modernist Muslims this verse is a challenge for Muslims to implement the Quranic teaching in a more contextualized way. Conservative Muslims, on the other hand, with a few notable exceptions, accept the verse literally.

In interpreting this verse neo-modernist Muslims like Abdurrahman Wahid argue that the word "lead" (*qawwamun*) in this verse has an anthropological meaning and that the verse should not therefore be regarded as a transcendental norm (Wahid 1994: 34). Rather it

is necessary to understand that the verse refers to and provides guidance for the situation at the time that the verse was revealed. In relation to the issue of women's role in the home, Mas'udi argues that while women retain an important role especially as educator for their children they should at the same time not neglect their role in the public sphere (Mas'udi 1994: 27). When a wife works for income Mas'udi argues that the income will belong to her personally (1994: 28). Commenting on a wife's obligation to obey her husband, Ali Yafie argues that the husband's consent is not absolute (Yafie 1994: 107). For instance, a wife who refuses to have sexual relations with her husband is not automatically sinful. This implies that women should not be subject to domestic violence.

Another controversial teaching on the status of women in Islam is from a Hadith from Abu Bakar, transmitted through Bukhari, Nasa'i and others, which specifies that "society will not survive (prosper) if it submits its affairs to women". This Hadith is often cited to suggest that for many reasons women cannot hold a top public position or be a leader of the community. Responding to the challenge to women's rights posed by the use of this Hadith Muhammadiyah, the second largest Islamic organization in Indonesia, presented its own interpretation, that at the time of the Hadith women were not educated and were therefore incapable of holding authority (Hooker 2003: 138). However the situation is now quite the reverse. Women are fully capable of assuming public responsibility and are qualified to hold authority. Muhammadiyah reinforced its position by citing QS 16:97, "…We will bestow [on man and women] their reward according to the best of their action".

NU has also produced some *fatwa* with regard to the permissibility of women participating in the public sphere. NU's *fatwâ* in 1997, for example, suggested that the status of women in society was equal to that of men and that therefore women were not to have a subordinate role in society. This *fatwâ* also suggests that women can take on active roles in the public sphere as long as they have the capacity and capability (PBNU 198: 57-60). In relation to the right of women to sit in parliament NU produced a *fatwa* as early as 1935 which allowed women to hold positions in parliament (Hooker 2003: 139). Similar views can also be found in the Collection of Principles of the Muhammadiyah Council of Opinion (Himpunan Putusan Majlis Tarjih Muhamadiyah), which argue that women can be active in the public sphere, including in the political arena, because their capacity enables them to do that. The reason is simple: women are now better educated than previously (2003: 137-8).

Religious Freedom and Minority Rights

Another important debate in the discourse of human rights in the Muslim world relates to the issue of religious freedom. Over the

decade following the collapse of the New Order regime Indonesia witnessed a period of intense economic, political and religious turbulence which brought the issue of religious freedom and tolerance to the fore. A spate of communal violence, church closures, and attacks on the compound of a sect (Ahmadiyah) highlighted a debate raging within the Indonesian Muslim community over religious freedom and tolerance. Moderate Muslims, like Abdurrahman Wahid and Nurcholish Madjid (d.2005) believe that in order to guarantee the religious freedom of its citizens the country should remain 'secular'. Both argue that secularization is necessary for a plural society like Indonesia, and the position of religious teachings, including the *Shari'ah*, can be addressed by stressing the ethical aspects of religion (Kull 2001: 4-5; Hilton 1999: 3-6; Barton 1997: 323-50). Thus the state must maintain a neutral stance *vis-a-vis* the religion in order to guarantee religious freedom to the public.

Taking a contrary position conservative Muslims believe that true freedom of religion can only be guaranteed under an Islamic state. They refer to the so-called Golden Age of Islam dating back to the seventh century when in governing the city of Medina the Prophet Muhammad SAW promulgated the basic rules of inter-communal coexistence hailed as the Compact of Medina. This agreement bound the parties (Arab-Muslims, Jews and other non-Muslim religious and ethnic groups, such as Christians and perhaps even some adherents of pre-Islamic Arabian religious traditions) to observe certain rights and duties while they lived in the territories governed by the Prophet (Esposito 1998). The Prophet SAW and his companions succeeded in creating the political foundations for the Muslim community. The Compact of Medina has become the standard reference point for the invention of the rights discourse in Islam (Moosa 2000-2001: 188).

Another issue related to the notion of religious freedom is freedom of thought, conscience and religion, including the right to change one's religion and belief, as stipulated in Article 18 of the UDHR. Conservative Muslims believe that a Muslim cannot leave Islam on the pain of the death penalty. The draft of the MMI's penal code is a good example for this principle. Once again there is a justification by reference to classical times. The death punishment for apostasy was the practice of Muslims during the Prophet's lifetime. If one takes a contextual view the sanction could be justified on the grounds that apostasy was regarded at the time as one of a number of subversive activities that threatened the public security of the Muslim community. Yet today the conservative view on religious freedom would be regarded as a *prima facie* violation of Article 18 of the UDHR.

In relation to the issue of minority rights, conservative Muslims refer to the concept of *dhimmi* status which prevailed in Muslim states in the earlier period of Islamic history. The idea of *dhimmi*

emerged due to the necessity to protect the minority groups who lived in Muslim states as a result of Muslim conquest. The religious rights of minorities with *dhimmi* status were protected by the Islamic state, but they did not enjoy political rights. As compensation for their protection by the state and the right to maintain their religious beliefs and activities the minority group was required to pay a tax called *jizya*. For Sjadzali, however, the concept of *dhimmi* has no relevance to the 21st century (Sjadzali 1997: 52). It should be understood rather as the practice of Muslim states in premodern times.

Corporal Punishment

Some *Shari'ah* penalties, such as amputating the right hand for theft, known as "*hudd*" punishment, and *rajam*, or putting to death by stoning, are regarded as cruel by the standards of modern Western civilization and incompatible with the principles of rights in the UDHR. The attitude of conservative and moderate Muslims in Indonesia seems to be ambiguous on the issue of corporal punishment. On the one hand Muslims recognize the state's penal codes, but on the other hand the *ulama* in NU and Muhammadiyah must also recognize the existence of Islamic penal codes, including *rajam* and *hudd* punishment. At the level of the state itself the practice of torture continues to prevail, especially among the military and police involved in areas of conflict such as Aceh, Papua and Maluku (Watch Indonesia 2003). The death penalty is also applied to those convicted of drug trafficking and severe crimes such as terrorism, as in the case of the perpetrators of the Bali Bombing. However, there have been almost no cases reported regarding similar such abuses based on the *Shari'ah* (Amnesty International 2003).

Two high profile cases in Indonesia some years ago placed the issue of *Shari'ah* penalties into the media spotlight. One is in relation to a *rajam* execution and the other the issuing of a threat of the death penalty for an alleged insult to Islam. It is noticeable, however, that these two cases received very little support either from Muslim society or the government. The first case was a *rajam* execution in Maluku in 2001 carried out by Ja'far Thalib, a leader of the Laskar Jihad militia on a follower (Abdullah) who had committed the sin of adultery. In this case the police arrested and charged Ja'far Thalib, the perpetrator of the punishment, with causing the death of another person (*Jakarta Post* 5 May 2001). The Indonesian police argued that *rajam* was not recognized by Indonesian law. Another case was the issuing of a threat of the death penalty to a liberal Islamic activist in December 2002. The Forum of Indonesian Clerics and Islamic Followers called on the police to investigate Ulil Abshar-Abdalla, the leader of the Liberal Islam Network (Jaringan Islam Liberal or JIL), for writing an article urging a less literal interpretation of Islamic doctrine. The article stated that some aspects of the *Shari'ah*, such as cutting off the hands of thieves, might not be applicable to this culture and

this century. The Bandung-based Indonesian People's Ulama Forum, a group of religious scholars, called the article an insult to Islam. They stated that according to Islam a person who insulted Islam should be sentenced to death. However, the police did not arrest Ulil, and the religious scholars later distanced themselves from their earlier statement saying they had not meant that Ulil should be sentenced to death (US Department of State 2003).[10]

This chapter has outlined the pluralism of Indonesian Muslim responses to modern, secular perspectives on human rights. Indonesian Muslims' participation in the human rights discourse is determined by dynamic tensions between two streams of Islamic thought. The first stream is conservative Islam, which argues that Islam is a religion whose universal claims encompass the realm of human rights. The second stream of thought, which may be called liberal or reformist, argues that the modern, secular-based conception of universal human rights is indeed compatible with Islam. Moreover, these two streams of thought in many instances have had to face the state's own interpretation of human rights principles in accordance with national interests, real or imagined.

* * *

The debate about the place of human rights within Islam is necessarily closely related to the question of law, since human rights norms need to have a legal basis if they are to be effective. This raises the issue of Islamic law and its interaction with other legal traditions in Southeast Asia. The following chapter looks at the changing position of Islamic law within Indonesia's tradition of legal pluralism.

Notes

1 Broadly speaking despite the persistence of deeply entrenched patterns of human rights violations the human rights movement in Indonesia has worked within the broader context of a liberalizing polity in which substantive human rights progress is being made.

2 It is important to dispense with theoretical models that assume that Muslim politics and religion are all of a single stripe. Viewed historically it is clear that Muslim politics were never monolithic but, like politics and culture in all great civilizations, plural and changing. Even in the early classical period of the Umayyad and Abbasid empires during the first centuries of Islam there was a lively pattern of extra-state religious organizations centred around the twin institutions of learned Muslim scholars (*ulama*) and religious law. Neither was totally controlled by state (Hefner 2001: 493).

3 The MMI code is structured around an "introduction" and five chapters divided into 69 Articles: "General Provision" (Article 1-3); "Criminal Offences and Criminal Responsibility" (Article 4-42); "Punishment and Conviction" (Article 43-52); 'Trial' (Article 53-68) and Closing Provision (Article 69).

4 Nadhlatul Ulama is the largest Muslim organization in Indonesia with almost 30 million members. It was established in 1921 in response to

the Wahabi conquest of Makkah and the spread of Islamic modernism in the Netherlands Indies. Its purpose was to promote and defend Sunni Muslim traditionalism which combines adherence to the teachings of the four classical legal traditions with Sufi devotional practice and mysticism. The NU is closely linked with the *pesantren* (traditional Islamic boarding schools). At one stage NU involved itself in politics by joining with the Muslim political party *Masyumi* set up during the Second World War. It later split and declared itself a political party and took part in the 1955 elections. In 1984 NU reverted to the status of a religious institution. The *mazhab* (school of thought) to which NU belongs is *Syafi'i*. For a further discussion of NU see Barton and Fealy 1996: 190-226.

5 The Nahdlatul Ulama held a National Conference of Ulama on 17-21 November 1997 in *Pondok Pesantren Qomarul Huda*, Lombok Tengah Nusa Tenggara Barat. Besides discussing some issues related to organizational matters the conference also discussed the current agenda which related to daily life, in particular social, economic, and political problems.

6 Interestingly, although these five concepts appear to constitute a neo-modern outlook they are in fact taken from a thousand-year old concept contained in the literature on Islamic jurisprudence, and are known as *kulliyat al khams* (simply, "five basic necessities"). They are taught within NU's intellectual tradition and transmitted in the *pondok pesantren*; see for instance Falaakh 2001: 36. These five principles can be also found in Kamali 1991: Chapter XIII.

7 Munawir Sjadzali is one of the leading Muslim intellectuals in Indonesia. He is a former Minister of Religious Affairs (1983-1993) and diplomat with an educational background in both the *pesantren* and the West. He suggests re-actualizing the *Shari'ah* in a way that is more responsive to the demands of Indonesian Muslims who live in a plural society; see Sjadzali, 1988: 9.

8 *Qat'i* means a legal argument (*dalîl*) where the wording or a "word" does not contain double meanings (*la yahtamilu ma'nayain*). A *zanni* argument, on the other hand, is a legal argument that contains ambiguity. A *qot'i* argument is divided into two categories: *qath'iyyul wurud* (an argument with valid transmission that contains no doubt in it (the Qur'an in the *fuqaha'* and Muslim view is *qath'iyyul wurud*, whereas only some of the prophetic traditions are *qath'iyyul wurud* while the rest are *zhanniyul wurud*); and *qathiyud dilalah* (an argument which illustrates the certain, unambiguous). Likewise, *zhann* arguments are divided into two categories: *zhanniyul wurud* (an argument with uncertain transmission; whether it was truly stated by the Prophet SAW or not, for instance), and *zhanniyud dilalah* (an argument that has a double meaning, making it difficult to find a proper meaning); see Hallaq 1997: Chapter 6.

9 The idea of reinterpreting the *Shari'ah* has also been suggested by prominent Islamic scholars in Indonesia such as Abdurrahman Wahid and Nurcholish Madjid. They call for understanding Islam through *contextualised ijtihad.* Nurcholish Madjid, for instance, believes that *ijtihad* provides the means by which social and historical phenomena can be evaluated to determine their continued correctness and appropriateness to current cultural situations (Madjid 1980: 196). Similarly, Abdurrahman Wahid (Istiadah 1995: 5) argues that Islam must be understood through *contextualized ijtihad*, where the social teachings of Islam are reinterpreted in accordance with the demands of a rapidly changing society and in response to modernity. Therefore, the social teachings of Islam in Indonesia must be understood as a characteristic of the Indonesian community which is pluralist and generally tolerant.

FIVE

The Politics of Legal Pluralism in Indonesia: The State's Rational Approach to Islamic Law and Adat

Ratno Lukito

The state's attitude towards legal pluralism in Indonesia has remained basically unchanged since independence. For the last six decades the state has been the dominant force in regulating legal pluralism. This may be a logical consequence of the civil law system embraced so far – the Dutch colonial civil law system inherited from the Dutch East Indies – which renders the institution of law inseparable from the state. As a result, the creation and establishment of law are understood more as a process that occurs through state legislation, while creative processes that take place beyond the state are certain to be rejected. Although in practical terms dialogue between state and society is necessary in the process of law-making the final decision is the prerogative of the state. This is the teaching behind the ideology of state positivism. The government of Indonesia has prescribed that while the state upholds the principle of legal pluralism it will always be the sole institution in the process of legal catalization and legislation. Seen from the framework of legal pluralism this strategy is known as "state law pluralism", whereby legal pluralism in a nation-state is possible as long as the state is the sole agent of law-making (Griffiths 1986: 1; Woodman 1999: 3-5).

Bearing in mind Indonesia's policy regarding legal pluralism this chapter will examine the policy of the state in regard to the two other great legal traditions in this diverse country – Islamic law and customary law (*adat*). The analysis will focus on the different development of these two non-state legal traditions as a result of the differential treatment the state has given to them. The adoption of an assertive strategy of "state law pluralism", particularly during the New Order era since 1970s, has resulted in a different approach on the part of the state to managing the institutions of *adat* and Islamic law respectively. It is therefore appropriate to question the motive behind the use of such different strategies. This is a question that

necessitates a socio-political approach to the study of comparative law. This chapter uses such an approach based on an examination of regulations and acts related to *adat* and Islamic law.

The Strategy of Legal Pluralism

Although differing in certain details the policy of legal pluralism implemented by different regimes in Indonesia can nevertheless be said to have been a constant endeavor since independence. The basic principle of the theory behind legal pluralism lies in fully granting the power of law-making to the state, even though the state may adopt certain "living" legal values that exist in society. The state therefore becomes the central agent in the process of creating the law while legal traditions that exist outside the state remain in a peripheral position. Pre-existing legal traditions in society depend entirely on the state's policies for their continued existence even though these traditions may be rooted deeply in the everyday life of the community. The choice of such a policy is in part a consequence of the formation of the modern state itself, since the nation-state in Indonesia is basically a unitary state which in theory has integrated the values of all the different cultures and religious denominations that characterize its multicultural society. Thus the strategy of legal pluralism that has been implemented by successive regimes since early independence through to the present "*Reformasi*" era essentially reflects the same ideology of state positivism. The state will never go beyond the boundaries of its function as the sole catalisator of the existing legal traditions in the society. In other words, state legal pluralism is a reflection of the ideology of state positivism embraced by the state (Pound 1912: 114; Hampton 1986: 107-11; Shuman 1963: 14-5).

During the Old Order regime under Sukarno the state was relatively less assertive in implementing its policy of pluralism. It tended to stand aloof from cases of law related to the various legal traditions and generally refrained from making new legal creations in response to the principle of legal pluralism, in spite of the *de facto* existence of many Dutch laws that had become entrenched in society. Take for example the law of marriage. Although the need to create a new law relating to marriage was overwhelming the government was doubtful of its ability to create a unified law of marriage. It merely promulgated certain regulations that touched on the surface of the problem, namely the homogenization of matters of procedure rather than changing the substantive aspects of marriage itself.[1] This meant that marriage remained a plural practice even though the state had made a start to regulating a uniform procedure. The state appeared wary in dealing with the substance of marriage law given the fact of the plurality of marriage customs in Indonesia's diverse society.

The Old Order regime acted differently in the area of agrarian law. The government seemed more self-assured with issues

concerning land, as can be seen by its mission to enforce legal uniformity shortly after independence. As early as 1960 Sukarno signed the Basic Agrarian Law (Law No. 5, 1960), which unified the practice of land regulation by replacing the multitude of different *adat*-based land laws and nuances of Dutch law with a uniform law. The diverse traditions of land law was due not merely to the influence of *adat* traditions concerning land but was also the result of the increasing influence of Dutch land law in Indonesian society. With such a great variety of land laws in practice it was not easy for the young government to homogenize the law and replace it with a uniform act. Yet the promulgation of the Basic Land Law of 1960 is evidence that the Sukarno government at the time felt more confident in meeting the challenge of the *adat* protagonists than confonting the mostly Muslim groups on the issue of homogenizing marriage law, which risked plunging the country into controversy. In fact, *adat* land law was no less diverse than the variety of the marriage laws that existed in society. At least until the 1960s the Indonesian government succeeded in creating uniform regulations only in matters of land law. It hardly touched on the plural tradition of marriage or family law, apart from in matters of procedure.

With the promulgation of Law No. 5/1960 the position of *adat* law within the constellation of the system of national law was plunged into jeopardy. From the beginning the Indonesian state was uncertain about the status of *adat* law. The main problem lay in the gap between the philosophy of *adat* law and the ideal principle of national law to be built in the unified country of Indonesia. The state was always uncertain as to how to deal with indigenous *adat* law. On the one hand there was a nationalist desire to establish a unified system of national law independent of foreign legal traditions and as much as possible reflecting the values of indigenous culture,[2] but, on the other hand the plurality and uncertainty of unwritten *adat* law had always been a pitfall for jurists in their deliberations on whether to choose *adat* as the source of modern law. This was clear in the case of land law discussed earlier, where *adat* land law had an uncertain status. While early considerations of land law explicitly mentioned the important role of *adat* as a source for the formulation of a national land law, some later legal opinions frankly decline to acknowledge the existence of *hak ulayat* (communal land rights), the core teaching of *adat* land law.[3]

In fact, the effort to abolish *adat* law was never so apparent as in the Old Order's behavior towards the *adat* judicial system. As early as 1947 the government had tried to abolish the *adat* courts that were spread all over the country. With Law No. 7/1947 and Law No. 23/1947 Sukarno closed down the *adat* courts on the pretext that they were endangering the process of creating a unified judicial system, which was understood as a requirement of nation-state building. Not long after the enactment of these two laws the government

passed Law No. 19/1948, which recognized the right to existence of only three judicial systems within the country, the General, Military, and Administrative Courts. There was no mention of the *adat* courts that had existed in the society of the archipelago long before the birth of the nation-state of Indonesia itself. This action was in clear contrast to the government's policy of preserving the religious court institutions. The government was reluctant to explicitly mention the religious courts in the law regarding the judicial system. They did not appear to adopt the same policy towards them as they had towards the *adat* courts. Even if many nationalist jurists in the country were in effect indifferent to the existence of the religious courts the state nevertheless maintained them.

The differential approach adopted by Sukarno towards *adat* law and Islamic law remained essentially unaltered despite the change to the new regime in 1965-66. Although Suharto is well-known for the forcefulness with which he enhanced the power of the state in all spheres of national life he did not differ from his predecessor in dealing with non-state legal institutions. This policy can be seen from a number of laws and regulations promulgated in relation to *adat* law and Islamic law. At an early stage the New Order zealously campaigned for a unified national marriage law, although in so doing the state would face a challenge posed by those groups that disagreed with the proposed reform – especially Muslim groups. Although they did not reject outright the idea of nationalizing the marriage law, their challenge focused on the substantive aspects of the bill, which they viewed as an attempt by the nationalists to secularize the divine teachings inherent in Islamic marriage law. Indeed, this was the main problem that haunted the government: how to create a unified marriage law that could incorporate the values and practices of the many different cultures and religious groups in Indonesian society. In the end the New Order government finally succeeded in promulgating a national marriage law after many rounds of negotiations and rapprochement aimed at easing the conflict between the different groups. Both secular nationalist and Muslim groups finally agreed to relinquish some articles in the bill seen as inconsistent with their concept of marriage law. However the most important point here was the success of Muslim groups in infusing religion as the main principle of marriage. The marriage contract in Indonesia was henceforth not seen merely as a civil contract outside the influence of religious institutions but more as a divine, legal agreement in which the role of religion was inherent in the process of building a marital relationship.[4]

Again, one can see that the lenient approach of the state towards Islamic law in contrast to its treatment of *adat* law. Just one year after assuming power the New Order passed Law No. 5 of 1967, whose principal aim was to assign to the state the dominant role in managing forests throughout the country. It was with this Law that

the "*hak ulayat*" teaching related to community rights over forest resources laid down in *adat* law was swept away and replaced by the overriding role of the state in the control and management of Indonesia's forests. This Law was in fact a continuation of the Old Order policy that was already oppressive regarding the rights of the *adat* communities to manage the forests by practicing the principle of *hak ulayat* (Szczepanski 2002: 231). The assault on *adat* law continued three years later with Law No. 14 of 1970 regarding the judicial system. The new Law not only maintained the old scheme of national court institutions that had ended recognition of the *adat* courts, but also strengthened the institution of the religious (Islamic) courts throughout the country. According to this Law the state now formally recognized four judicial institutions, i.e. General, Religious (Islamic), Military and Administrative courts.[5]

The main character of the New Order in regard to the process of law-making lay in its ability to strengthen the executive body. In the area of creating laws many scholars regard the role of the legislative at the time as a rubber stamp for the executive. This would lead to the contradictory situation whereby the New Order's mission to build a modern legal system in the country would be hampered by the deep interference of the executive in the process of law-making. Many important legal regulations during the New Order era were in the form of Government Regulations (*Peraturan Pemerintah*) rather that Acts (*Undang-Undang*), which suggests that the executive was usurping the role of the legislative assembly in the country's law-making (Surbakti 1999: 61). It was in this political environment under the New Order government that Islamic law began the process of strengthening its position within the system of national law. After a decade in power Suharto continued to improve the status of Islamic law in the country when he passed Government Regulation No. 28 of 1977, which incorporated the Islamic law of endowment (*waqf*) within the national law system. The promulgation of this regulation was ostensibly due to the need to complement the Basic Agrarian Law of 1960, especially in relation to the issue of land property owned by an individual party.[6] However many jurists in the country viewed the appearance of the *waqf* regulation on land as a clear sign of a more promising future for the growth of Islamic law, especially when compared to the fate of *hak ulayat* on *adat* land law, which the government had persistently opposed since the birth of the state itself after independence.

Indeed, the fluctuating relationship between the state and Islam during the period of the New Order influenced the establishment of laws and regulations related to Islamic law. Under Suharto this relationship was characterized by an on-going political battle between Muslims and secularists, as well as political manoeuvring by secular nationalists worried that Muslim groups remained intent on pursuing their struggle to achieve the creation of an Islamic

state. In the sphere of law secular jurists feared the revitalization of *Shari'ah* teachings expressed in the Jakarta Charter of 1945. Most did not believe that the implementation of Islamic law in Indonesia could be undertaken without sacrificing the principle of "state law pluralism" that had proved acceptable to all groups in the country. A number of factors were influential here. First, up until the early 1980s the Suharto government seems to have been unable to formulate a fixed strategy to deal with the fact of legal pluralism in the country. Second, both Muslim and secular groups could not forget their conflict over the Jakarta Charter at the time of independence. As a result the issue of the extent to which Islamic law could be accepted within the system of national law was always influenced by the question how close Islam could be to the state itself. At the height of the Suharto regime's powers during the decade of the 1980s relations between Islam and the state could not be said to have been harmonious. Suharto seems to have been skeptical about the sincerity of Muslim groups in abandoning their mission to establish an Islamic state. At the same time the New Order was struggling to have Pancasila (the Five Principles) recognized as the "sole ideology" of the state. Islam was naturally viewed as an obstacle for upholding the ideology of Pancasila. During the 1980s, therefore, the Suharto government tended to be wary in its handling of the issue of Islamic law. This appears to have been the main reason why, following the promulgation of the Government Regulation on *waqf* in 1977, state legislation in regard to Islamic law was scarce.

The process of the "positivization"[7] of Islamic law appears to have begun at the same time as the gradual waning of Suharto's charisma and political authority from the end of the 1980s. His changed political circumstances may have been the principle reason why Suharto appears to have felt the need to seek out Islam and the Muslim community as an alternative power base. One of the clearest manifestations of this political strategy was the willingness of the New Order to promulgate Law No. 7 of 1989 on the Religious Judicature. The birth of this new Law was a great surprise for most nationalist jurists who, until the end of 1980s continued to believe that relations between Islam and the state would remain cool. They had expected that the status of the religious courts would be maintained without the need to upgrade them to the same level as the general courts. As in earlier cases, the deciding factor in the passing of the law was the role of the state. Although debate on the draft of the law was intense both within and outside the parliament the protagonists of the religious courts were eventually victorious. The outcome demonstrated that the issue at stake was not whether there was sufficient support within the legislative branch to pass a certain law but the degree to which the promulgation of the law could benefit the state itself.

The strengthening of the position of the religious courts continued following the promulgation of Law No. 7/1989. In 1991 President Suharto, through Presidential Instruction No. 1, issued the Compilation of Islamic Law in Indonesia as a material resource for judges in religious courts to decide family law cases brought to the court. The religious court was now not only strengthened in its institutional legal standing but also in its substantive jurisdiction. Their situation was in stark contrast to that of the *adat* courts whose authority had been effectively demolished following independence, while the substantive aspects of *adat* law were subject to the discretion of the general courts judges when cases were brought before them. The differing degree of accommodation by the state towards *adat* and Islamic laws remained a consistent policy of the government until the end of the New Order in 1998.

Many hoped that *Reformasi* or "reformation" of the post-Suharto era would result in a change to the state's proclivity to intervene in all aspects of Indonesian social life. In the sphere of law many jurists believed that the fall of the New Order would reduce the domination of the executive in the process of law-making and lead to greater participation of the legislative assembly in law creation. Yet these hopes remain largely unrealized. In particular, the contrasting attitude of the state towards *adat* and Islamic law remains unchanged. In the *Reformasi* era of Indonesia the status of Islamic law within the system of national law continues to improve while the status of *adat* law in the country is denigrated.

The B.J. Habibie presidency was particularly beneficial to the supporters of Islamic law. During his short term as president, Habibie promulgated a number of laws formally upholding the practice of Islamic law in the society. In the post-Suharto era, there were five acts directly related to Islamic law. Four were promulgated during Habibie's term while the remaining act was passed by Susilo Bambang Yudhoyono in his first term in government. The four acts passed under Habibie were Law No. 41/1999 (as an amendment to the forest law passed in 1967), Law No. 17/1999, Law No. 38/1999, and Law No. 35/1999. The first law relates directly to the problem of *hak ulayat* in *adat* law, while the other three were concerned with Islamic law. The most recent law passed under the Yudhoyono government is Law No. 3/2006, an amendment to Law No. 7/1989 on the Religious Judicature. The pattern of strengthening the already strong tradition of Islamic law in Indonesia's environment of legal pluralism thus continues unchanged.

As an amendment to Law No. 5/1967, Law No. 41/1999 supposedly aimed at improving the law relating to forest management in Indonesia. Under the forest law of 1967 the management of Indonesia's forest resources came under the control of the central government. Both communal and individual rights to the management

of forests that had formerly been maintained through the *adat* forest law were essentially abolished with Law No. 5. Although the Law ostensibly considered the people's welfare as the main consideration for forest management, in practice it granted new powers to the state to dominate the management of forests throughout the country and justified the extinction of the rights of the local community to cultivate forest resources which had previously been protected by inherited *adat* law. Unfortunately, this situation remained basically unchanged under the new Forest Law of 1999, although the wave of *reformasi* has apparently resulted in a certain decrease in the state's prerogative to dominate the forests. According to the new Law private cultivation of the forests is allowed. Interestingly, Article 1 of that Law defines *adat* forest as basically forest owned by the state, despite its location in communal *adat* land. Article 4 (3) states very clearly that the management of the forests should recognize *adat* law, yet only as long as that *adat* law is still "in existence" and such management "recognizes and is not contrary to the state's interests." This means essentially that while *adat* land rights are recognized they are placed in a position subordinate to the interests of the state. This has resulted in the contradictory situation where in theory the Law appears to uphold *adat* forestry rights but in practice those rights are typically ignored if the government regards them as an obstacle to the state's interests. The new Forest Law is proof that in the substance of *adat* land law the state's position remains unchanged. The recognition and accommodation given to *adat* law is in reality just a lip service strategy since the existence of *adat* is regarded as a threat to the power of the state to control land throughout the country. Maintaining and upholding *adat* land rights hence would constitute a challenge to the state's power over the land, water, air, and all their resources that exist under the state's jurisdiction.

Such lip service paid to *adat* law may be contrasted with the three laws passed by the Habibie government during his presidency from 1998-99 in the area of Islamic law. Law No. 17/1999 on the management of the *Haj* provides the opportunity for non-government institutions to take a role in managing the practice of pilgrimage to the Holy Lands (Makkah and Medina) in Saudi Arabia. At the time this law was regarded as a positive sign of the state's relations with the Muslim community. The management of the pilgrimage had previously been a monopoly of the government, which had prompted some Muslim groups to demand that the government give more opportunities to non-government agencies. Law No. 38/1999 on the administration of *zakat* (Islamic charity) was another significant step taken by Habibie to recognize the demands of some Muslim groups for the government to formally recognize the practice of *zakat*. Legally speaking the Law reflects the enthusiasm of the Habibie government to formally legitimize the Islamic teaching of *zakat* in the country. Throughout its three decades in power the Suharto regime had never

dealt with such an issue using such a strong legal instrument as an Act. Suharto had only resorted to government regulations to deal with the complicated case of *zakat*. The promulgation of the Law was a major surprise as it appeared to suggest a formal recognition by the state of the importance of Muslims practising the teaching of Islamic charity.

In conjunction with these two laws Habibie also succeeded in passing Law No. 35/1999, an amendment to Law No. 14/1970 dealing with the judicial system in Indonesia. Law 35 is another clear example of the state's different treatment of the religious courts. The main purpose of Law No. 35 was to place all the country's judicial systems under the management of the Supreme Court - with the exception of the religious courts. The administration of the religious courts was to remain subject to a "double organization", as had been ruled in the Law No. 7/1989. For non-judicial (administrative) matters they were administratively subject to the Ministry of Religious Affairs, while the Supreme Court would manage their judicial affairs. Although such special treatment of the religious courts was later amended with Law No. 4/2004, this law was a clear sign that the Habibie government was giving preferential treatment to the religious courts in the management of the judicial system in the country. The state's proclivity thus frequently seems to be to give an advantage to the religious courts over the other courts. The maintenance of the double organization of the religious courts has provided leeway for the "sacred" status of the courts to be maintained, even though in so doing the effectiveness of court management was sacrificed. Although a new Law, No. 4/2004, changed this policy by regulating the management of all courts in the country under a single roof, the five years of special treatment given to the religious courts was a clear indication of the state's propensity to constantly discriminate in favor of the institution of Islamic law.

The enactment of Law No. 4/2000 does not mean that the positive treatment of the religious courts has diminished under the current Yudhoyono government. In fact Yudhoyono seems to be intent on further strengthening religious legal institutions. The promulgation of Law No. 3 in 2006, which amended Law No. 7 of 1989 dealing with the religious judicature, expanded the jurisdiction of the religious courts. These courts now not only deal with cases of Islamic family law (marriage, divorce, inheritance and almsgiving, and other related cases) as had been previously regulated under Law No. 7/1989, but also conflicts arising from matters of Islamic business law.[8] Although it remains unclear as to how and to what extent these new cases will be handled in the courts, what is certain is that the courts have expanded their juridical competence from the traditional matters of Islamic family law to include the sphere of Islamic economics – a further example of the reinforcement of Islamic law in Indonesia by means of a formal legal instrument of the state. The expansion of

the religious courts' jurisdiction reflects the state's willingness to fortify the courts' authority to implement all aspects of Islamic law in the country, regardless of whether the courts are prepared to do so.

What then is the motive behind the state's differential treatment of *adat* and Islamic law?

Rational Choice and the Strategy of Legal Pluralism

Theoretically, the adoption of the strategy of state law pluralism should have had a positive effect upon existing legal traditions in society since the theory on which the concept is based is that the state is required to recognize equally all non-state normative orderings. This is, in fact, what is prescribed in the theory of National Law: the state's main duty in the establishment of a legal system is to adopt non-state normative orderings as much as possible as long as they are compatible with the mission of national law. Yet, no one can deny the influence of political factors in the process of law-making since the adoption of legal traditions into a national law system is reliant not only upon the mere substantive aspects but also factors beyond the normative teachings of the legal traditions. In many cases non-substantive factors are found to determine the whole process of that adoption. It is here that we need to understand the state's behavior in the process of legal creation.

According to Weber, the recognition and incorporation by the state of non-state normative orderings are a logical consequence of the rationalization of the state's role.[9] This means that the legitimation of the state is in fact merely a validation of the state's monopoly over the process of law creation, whereby the state needs to amalgamate the various legal traditions existing in society. As can be seen in the case of Indonesia, such a rationalization is basically done to maximally preserve the right of the state as the sole agent of law making. Therefore, the strategies used so far by successive governments to accommodate existing legal traditions, especially Islamic law and *adat* law, which include centralization, codification, and even (using Weber's term) "profanization",[10] have been employed with one purpose, to strengthen the position of the state itself. Understood in this way one can say that the policy of incorporating non-state normative orderings may be seen as not endangering but rather strengthening the ideology of state legalism. In line with Weber's thinking, Van Cott has described a similar phenomenon in Latin America. In his view, the sole reason for the state's recognition of other legal traditions is the state's need to ensure its role in society. The strategy of accommodating such legal traditions is undertaken purely for the sake of improving the authenticity of state law and achieving greater harmony in state-society relations (Van Cott 2000: 207-10; Horowitz 1994: 543).

In the case of culturally diverse countries it is especially understandable that in order to achieve legitimacy the state must always be ready to adopt and adapt itself to those legal traditions that are able to achieve the greatest popular support. The justification for such a policy can vary, ranging from the classical one of needing to avoid a legal vacuum to the state's desire to expand its authority throughout the country. Indeed, judging from the experience of many countries around the world, the state's accommodation of non-state normative orderings reflects an ambition to acquire greater political support from its citizens, the need to reduce the risk of conflict, and the desire to maintain the state's authority in peripheral regions (Spence 1982: 215, 243-7; Santos 1982a).[11] Such an accommodation may also be done in the interests of increasing people's participation or upholding the plurality of the society.[12] It is not an exaggeration, therefore, to say that the policy of accommodation is always carried out on the basis of a cost-benefit calculation on the part of the state (Van Cott 2003: 232 n.15; see also Rudolph and Rudolph 2000: 21-2). Following this logic the policy of legal pluralism in Indonesia is the result of the state's rational choice in the process of national law-making, rather than simply the continuation of inherited strategies from the colonial era.

The state is therefore a self-interested actor. The strengthening or weakening of a legal tradition in a particular country is a manifestation of the state's own political agenda. The process of law creation is based on a cost-benefit calculation consistent with the interests of the regime in power.[13] Thus the consideration of the Indonesian government is limited not merely to legal strategies but covers a wider spectrum of analysis that includes social and political factors and the security of the state. Together all are compounded into one objective, namely, to avoid conflicts arising as a result of legal pluralism and to enhance the legitimacy of the state throughout the country (Shapiro 1981: 22-4).[14]

It would not be correct, however, to assume that in its application of a rational choice strategy the policy of the Indonesian government has been static. It has, in fact, depended on many different calculations in conjunction with changes in the political structure in the country as well as in the state-society relationship. The Old Order's wary treatment of the issue of Islamic law, in contrast to the New Order's relatively more assertive policy, can be explained as being due to a different cost-benefit calculation regarding the problem of legal pluralism at a different period and under a different socio-political situation than that encountered by the latter regime. By the time of Sukarno the transition from a colonial to a post-colonial government had led to widespread political turmoil, making a direct reversion to the legal tradition followed by a significant proportion

of the population a risk to the stability of the country. The cautious approach followed by Sukarno reflects the inclination of the Old Order to sacrificing lesser agendas in the interests of the more important mission of ensuring the unity of the young nation.

On the marriage law, as stated earlier, the state was more concerned with matters of procedure rather than of substance, where the government preferred to maintain its plural practice. On matters related to the philosophical idea of nation-building, however, the young government was forceful in upholding the principle of legal uniformism. The *adat* land law became a victim of this new principle since the *adat* teaching of *hak ulayat* was in direct opposition to the ideology of "modern" individual land rights, idealized as a necessary tool with which to develop the country. Therefore, although the state required political support from society to expand its legitimacy it preferred to take the risk of eliminating the practice of *hak ulayat* in the interests of legal uniformity throughout the country. This was also clearly the reason behind the Old Order's early policy of eliminating the *adat* courts, even though this action was extremely unpopular. The existence of the *adat* courts was viewed as incompatible with the unificationist idea of the judicial system, which was directly linked to the ideology of state unity. Once the idea took hold that a centralized and uniform legal system was a key to the national unity of Indonesia the localized and plural nature of *adat* law came to be seen as a threat. Since the locality and variety of *adat* law contravened the philosophy of national law, overturning the law was seen as being beneficial to the state (Lukito 2006: 226-38).

This stance remained basically unchanged following the end of the Old Order and the rise of the New Order regime in 1965-66. It is no surprise that although in theory *adat* was accepted as a source of national law building, the life of *adat* law was in fact continually weakened since legal policy focused on making the system of law homogeneous and centralized (Bowen 2003: 53-54, 58-59).[15] The inclination of the New Order for adminstrative centralization accelerated a process that was already underway during the Old Order. It was difficult for the government to defend the institution of *adat* since this tradition was viewed as jeopardizing the idea of legal modernization idealized by the founding fathers of the state. Therefore, although the project of centralization and uniformation of the legal system was in reality much more costly than maintaining the *adat* courts throughout the country, the government nevertheless chose the former since it promised the greater benefit of achieving the ideal of national law.

The Indonesian state's management of the religious courts was based on the same motivation behind its rationalization of the *adat* courts. That is, the principal objective was to make the state the sole agent of law-making within Indonesia's environment of legal pluralism. This strategy has clearly been advantageous to

the status of Islamic law. The character of Islamic law as a uniform and nationalized legal tradition, founded upon a consistent Islamic ideology, is a useful asset by which religious law can become a partner of the state in the building of national law. Unlike *adat* law which is local and plural, religious law in a Muslim-majority country potentially has a national scope. Islamic law is in fact epistemologically close to state law since the two legal traditions are based upon the idea of a single jurisdiction for all. Thus both share the aim of implementing a legal system that applies to all Indonesian people – or at least the Muslim majority – without provincial or local discrepancies. That is why the institution of Islamic courts in Indonesia appears not only to be secure but has even been strengthened since the founding of the independent state of Indonesia, notwithstanding the political upheaval and democratization that have taken place in the post-Suharto era.

Since the Habibie administration in 1998-99, the principal motive behind the government's policy on the issue of Islamic law has been the desire to seek political support from Muslim society following the collapse of the New Order and the political legitimacy of the state, and the resulting political turmoil. The support of Muslim society – the majority population in Indonesia's multi-religious, multi-ethnic society – is obviously beneficial to the political position of the regime seeking to stabilize the state. This explains why in his short tenure of office Habibie was able to pass three acts specifically aimed at improving the efficacy of Islamic legal institutions. In fact, since the end of the New Order a mutually beneficial arrangement has been developed between the state and Muslim society whereby the state provides increasing recognition of the practice of Islamic law within the system of national law, and in return the state gains legitimacy in the eyes of the Muslim community. Thus the Indonesian state's positive stance towards Islamic law appears to be based on a rational calculation of the state's interests rather than a consideration of the substantive aspects of religious law.

Despite the changes in political regime in Indonesia over the last six decades, the state's approach to the issue of legal pluralism has remained consistent. The strategy of state legal pluralism has resulted in a strengthening of the position of Islamic law and a corresponding weakening of *adat* law within Indonesia's system of national law. The choice of such a pluralist strategy has been based on a cost-benefit calculation on the part of the state. The extent to which successive regimes have accommodated non-state normative orderings is dependent solely on the perceived political benefit that such a policy produces for the state.

Although it has a different basic character in terms of its foundation as a legal tradition, Islamic law in Indonesia in fact shares a common feature with state law in that it is similarly uniform and aims for a national jurisdiction. Islamic law's potential for nationalization,

on the basis of the nationwide majority of adherents of Islam, rather than on the tribe, clan, linguistic group, or other local religious denomination, means that a rapprochement with state law, which also has a national scope deriving from the principle of citizenship, is not only possible but indeed desirable. Although it is not possible to equate Islamic law and state law due to the sacred status of religious law, the scope in the efficacy of both legal traditions provides an opportunity for legal rapprochement. This is not the case, however, with *adat* law. The character of *adat* law as a local and heterogeneous legal tradition is essentially incompatible with the philosophy of national law which is by definition anti-local and homogeneous. It is impossible to expand the reach of *adat* law to become an effective jurisdiction for all Indonesian citizens, which makes rapprochement between *adat* law and state law exceptionally difficult.

The fact that adherents of Islamic law are found throughout Indonesia has strengthened the bargaining position of religious law *vis-à-vis* state law. The state cannot ignore the fact of Islamic law as a powerful legal tradition in the country due to the majority population of Muslims who follow the legal teachings laid down in religious law. This is in contrast to *adat* law which has a local and plural nature. Challenges mounted by the protagonists of *adat* law towards the state law have thus always been dispersed and isolated, making the bargaining position of *adat* law weak and unorganized. This largely accounts for the marginalization of *adat* law in the legal constellation of the country.

The state's recognition of existing legal traditions in Indonesia is thus based upon the flexibility of these legal traditions to the implementation of state law. The closer non-state normative orderings are to state law the greater the possibility that the state will adopt them as part of the system of national law. The greater the challenge posed by non-state traditions, the greater the willingness of the state to accommodate them. From this consideration of the relation between state law and non-state normative orderings it is possible to understand why the position of Islamic law has been constantly strengthened in the constellation of legal politics in the country while *adat* law has been marginalized. The differing fortunes of these two legal traditions is not merely a consequence of the state's role as a self-interested actor in the problem of managing legal pluralism, but is a consequence of their ability to deal with the challenge of state law.

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The rising prominence of Islamic law in Indonesia and in Southeast Asia more generally in recent years has paralleled the growing significance of Islam in the politics of the region. The following chapter examines how a religious elite in one region of Indonesia has negotiated enormous political changes at the national level and

succeeded in transforming its religious legitimacy into political power within a democratizing Indonesia.

Notes

1 See the related acts, Law No. 22/1946 and Law No. 32/1954, which support the Dutch regulation passed in 1895 in the *Staatsblad* No. 198/1895.

2 This can be seen also in the Decision of the Preliminary Peoples Assembly No. II/1960 which recognized *'adat* law as a source for the development of a national legal system in the country.

3 See further Law No. 5 of 1967, by which the state assumed control over the management of the Indonesian forests which had formerly been managed under *'adat hak ulayat*.

4 See regulations complementing the Basic Marriage Law No. 1/1974, namely: Government Regulation No. 9/1975, Regulation of the Minister of Religious Affairs, No. 3 and 4 of 1975, and also Regulation of the Minister of Interior, No. 221a, 1975.

5 See Article 10 of Law No 14/1970.

6 The close relationship between the government's regulations on the *Waqf* of Land with Individual Ownership and Law No. 5/1960 on the land law is clearly reflected in that regulation.

7 The term "posivitization" here refers to the state's strategy of adapting Islamic legal traditions into the system of secular state law. It is defined as the process by which Islamic law as a non-formal, varied, and sacred law is given a more formal, secular, and homogeneous character, similar to state law. The procedure and substance of the religious law thus also follows the character of state positive law.

8 Compare Article 49 of Law No. 7/1989, which states that the jurisdiction of the religious courts includes: a) marriage; b) inheritance, bequests and gifts, processed on the basis of Islamic law; and c) endowments and *shadaqah*, with Article 49 of Law No. 3/2006, which expands the jurisdiction of the religious courts to include marriage, inheritance, bequests, gifts, endowments, Islamic charities, donations, almsgiving, and Islamic economy. For these two laws see Mahkamah 2006: 20, 61.

9 Weber defined the state as, "A compulsory political association with continuous organization (*politischer Anstaltsbetrieb*) … if and in so far as its administrative staff successfully upholds a claim to the *monopoly* of the *legitimate* use of physical force in the enforcement of its order." The state thus differs from the church, where its staff can claim a monopoly on the use of "hierocratic" coercion (Weber 1947: 154-156). On the discussion of Weber's theory of legal domination and its relevance to the modern state see Cotterrell 1983: 69, 73-81.

10 The use of the term "profanization" here is influenced by Weber's discussion of the term "profane" (*Alltag*) in contrast to the "sacred" in his explanation of *Charisma* (Weber 1947: 361). The term "profanization" is used here to connote the government's efforts to transform the tradition of non-state laws derived from charismatic/sacred authority into profane law by way of infusing non-sacred factors into sacred law, since the law is now derived from the rational authority of the state. On codification see Rheinstein 1954: 256-283.

11 Van Cott argues that, "Political elites… understand the urgency to provide a cheaper, more accessible, more face-to-face form of justice administration, particularly in rural areas, in order to legitimize the authority of the state and extend the presence of the rule of law throughout the territory" (2003:

210). For a study of state recognition of institutions of non-formal law see Santos 1982b: 249.

12 Van Cott 2000: 232, note 15: "Most contemporary cases reflect the efforts of post-colonial or multiethnic states to accommodate the claims of sub-state groups in order to reduce inter-ethnic conflict, as well as to serve other state aims, such as extending the rule of law and state authority into peripheral areas". For the case of India see Rudolph and Rudolph 2000: 21-22.

13 "…[A]ll the actors who compose the polity, including the policymakers, are rational and self-interested … they calculate the costs and benefits of proposed actions and choose the course of action most consistent with their fixed preferences … that actors who compose the state have interests of their own, derived from and supported by institutional power" (Levi 1988: 3). For a theoretical explanation of the cost-benefit approach see Posner 1981: 76: "Another implication of the wealth-maximization approach, however, is that people who lack sufficient earning power to support even a minimum decent standard of living are entitled to no say in the allocation of resources unless they are part of the utility function of someone who has wealth … If he happens to be born feeble-minded and his net social product is negative, he would have no right to the means of support even though there was nothing blameworthy in his ability to support himself". See also Posner 1986.

14 "Conquerors use courts as one of their many instruments for holding and controlling conquered territories. And more generally, governing authorities seek to maintain or increase their legitimacy through the courts. Thus a major function of courts in many societies is a particular form of social control, the recruiting of support for the regime".

SIX

Pesantren-Based Politics in Post-New Order Indonesia: The Case of the Bani Syarqawi in Sumenep, Madura

Abdul Gaffar Karim

Political systems may organize power relations in different forms – "democratic", "authoritarian", "semi-authoritarian", "quasi-democratic", etc. – yet all polities have one thing in common: the existence of a large mass on the one hand, and a much smaller ruling group on the other. The notion of the relationship between the elite and their community has always been a central theme in political science. Studies of democracy, authoritarianism, bureaucracy, social institutions, elections, and so forth, are in fact actually examining the dynamics of the elite in their societies from various approaches, theoretical backgrounds, and methodological standpoints. While in recent years some scholars point to a paradigm shift in political science (Hay 2002) from an individual perspective to that of institutional determination the discipline has always had a central passion for analyzing elite issues. Politics is about power: how people gain, use, and retain power; in other words, how people achieve and maintain elite status in their societies.

This notion remains true in the case of a transition from an authoritarian regime. The result of such a transition may be the sunrise of a democratic polity or simply a circulation of the people in power. Studying the transition process, to a very large extent, means looking at how relations between the elite and the mass change shape. Indonesia, a country that has experienced an ongoing political transition since the demise of President Suharto and his military-backed regime in 1998 (Kingsbury and Budiman 2001; Nyman 2006; Törnquist 2000; 2002), is no exception to this model. The analysis of Indonesian political change also requires, among other things, an understanding of the circulation of elites, both nationally and locally. While the Indonesian elite at the national level has received considerable attention from observers (Aspinall 2005; McGibbon 2006; Tomsa 2006; Emmerson 1976) the local elite has not enjoyed

such scholarly examination. This chapter is intended to fill this gap. It presents a case study of the ruling elite in the coastal town of Sumenep in Madura known as the *Bani Syarqawi* (lit. "descendants of Syarqawi")[1] whose power base lies in the traditional Islamic boarding school, the *pesantren.* It argues that the religious elite forms a ruling class which uses its power with impressive flexibility.

The Religious Elite

Religion has both an individual dimension, in the form of providing guidance for human beings to "communicate" with their Creator, and a social dimension, whereby it provides an ideal model for the regulation of relations among human beings. In the latter dimension social structures legitimized by religion vary from centralized and hierarchical forms such as those of the Catholics and Iranian Shiite Muslims, to more scattered and decentralized forms such as those of the Jews and Sunni Muslims. Such structures are dominated by religious figures whose roles range from acting as the sole channel for humanity to reach the kingdom of heaven, to being merely the bearer of the divine teachings. Whatever duty they may assign themselves these religious figures are nonetheless at the same time members of a social elite which shares the same characteristics as other elites: a belief in their own superiority, a set of shared attitudes and beliefs, and competition among each other. One can thus regard religious change in the modern era as not being essentially focussed on amending religious doctrinal but about the *reinterpretation* of doctrine; that is, the repositioning of religious elites and their role in their communities.

Take for example the question of secularism. Secularism is largely understood as meaning a formal separation between religion and the state. The term has its roots in an understanding that the state and religion dwell in separate realms and that both have different kinds of power that ought not interfere in the realm of the other. From the secularist point of view religion should remain part of human's individual life while eschewing the public space with its social and political interests and conflicts. However one of the pillars of secularist thought in the Western world in the 18th and 19th centuries, anticlericalism, can in fact be understood as being the result of elite competition in Europe at the time (Bulliet 2004; Burleigh 2006). Secularist arguments can thus be understood as actually being aimed at excluding religious clerics (not necessarily religion itself) from active political roles. That is, quite apart from the sophisticated religious or philosophical arguments setting out models of ideal relations between religion and the state, secularism can be regarded as essentially a phenomenon born out of elite competition.

However, as secular political authority has "plummeted in the wake of corruption, economic failure and political repression" (Haynes 1994), religious and to some extent ethnic groups have found an

opportunity to seek for themselves a more active political role. This has been part of what is generally referred to as the "religious revival" that has taken place at least since the 1950s, the core element of which is the redefinition of the role of religious institutions and religious elites in modern life. In Latin American states since the late-1960s the liberation theology movement has been a good example of how religious institutions challenge authoritarian states and unjust social, economic, and political structures. Casanova points out a general tendency where religions have taken the side of civil society and contributed to the democratization process in some Latin American, Eastern European, East Asian, and South African countries (Casanova 2001). The roots of this tendency can be found in efforts to redefine the role of religious institutions, including the Second Vatican Council from 1962-5. Within this movement, echoed in other religious communities in varying degrees, secularist and anticlerical practices were challenged and religious elites found a way to assume more active political roles.

With regard to the political role of religious elites there are issues of legitimacy, with the question of authority being the main issue. Using the classical Weberian perspective there are three types of authority: traditional, charismatic, and legal-rational. *Traditional authority* is based on the customs and traditions that have existed in society since time immemorial. People submit to a regime because it is regarded as having unquestionable legitimacy and has been accepted by previous generations. This type of authority can be found in small groups or communities with patriarchalism or gerontocracy, and is generally a characteristic of a system of rule with a hereditary transfer of power. Rulers are rulers because they have ascriptive legitimacy. *Charismatic authority* is based on the personality of the individual leader, whose legitimacy is assumed to be related to the spiritual quality of the leader and therefore often has no limit. Charismatic leaders can have devoted followers without having to depend on rational reasons such as the reward and punishment system. Instead, charismatic leadership hinges upon individual faith and trust. *Legal-rational authority* is based on a legally defined set of rules. It is normally the basis of authority in most modern states. Here leaders are elected or appointed not merely on ascriptive and charismatic bases but more on considerations of their capability to govern. They are limited by a set of rules as to what they are able to do and how long they can remain in power. While greater efficiency is the characteristic of this type of authority Weber also feared that it would lead to a depersonalized and unrelenting social environment.

Haynes maintains that religious leaders usually have charismatic and traditional authority and that "religious authority and civil authority are nearly always kept separate". However, in some specific cases, such as that of Khomeini in Iran, a religious leader may also achieve rational-legal authority. "[P]eople have turned to religious

leaders as sources of authority precisely because of the absence of legitimacy and hence authority on the part of civil, secular leaders in the context of the failed expectations of modernization" (Haynes 1994).

Given the formal tendency of elite theory as discussed earlier, observers may not always agree that religious elites should be perceived as a ruling class or ruling elite. In countries where religious clerics are separated into those who stand outside the state power and those who gain bureaucratic power from the state authority, elite theory tends to focus on the latter. In trying to describe the majority of *ulama* as being outside state cooptation Mansurnoor understandably points out that "[u]nlike bureaucratic *ulama*, most *ulama* in Indonesia stand outside the ruling class" (Mansurnoor 1990: xvii). However, if we accept the more generic idea of the relationship between elites and the mass as argued earlier, there is no need to limit the application of elite theory to those who exercise formal power. In traditional communities, the non-formal authorities are not necessarily different from the formal authorities in terms of the influence they exercise at the local level. In such cases the traditional elite may possess ruling power whether or not it occupies a formal position. According to the Weberian perspective, the power attributes of such elites may vary and indeed may be interchangeable, as our discussion on the religious elite in Sumenep next suggests.

Kiai Syarqawi and the An Nuqayah *Pesantren*[2]

The religious elite group that we are discussing here traces its genealogical roots to a famous *ulama* known as Kiai Haji Mohammad Syarqawi (usually referred to as Kiai Syarqawi). Little information exists about the early life of Syarqawi except that he was born in Kudus, a town in the present-day province of Central Java, in the mid-19th century and that his father and grandfather were great *ulama* in the town. Following his education at *pesantren* in Java, Madura, Kalimantan, and present-day Malaysia, Syarqawi trained in Egypt and Makkah for several years.[3] It was normal practice for *ulama* families to send their children to the best educational institutions where they would study Arabic language, pedagogy, leadership, and Islamic knowledge. Such educational excellence conferred on the *kiai* great authority over their communities, especially in rural areas. In addition, should the *kiai* be fortunate enough to be able to send his sons to Makkah upon their return they would have acquired the additional status of *haji*, which would help them to follow in the footsteps of their father and become *kiai* one day.

In the holy-land Syarqawi met with a rich trader who was also an *ulama* from Prenduan village in Sumenep on the island of Madura, Kiai Gemma. Doing the *hajj* pilgrimage with his wife, Gemma was impressed by the young and clever Syarqawi and they became close

friends (de Jonge 1989). Unfortunately for Gemma his health was not good during the pilgrimage and he became very sick. Fearing that he might pass away Gemma made a will in which he requested Syarqawi to marry his wife if he should die in Makkah. Gemma indeed passed away and in fulfilment of Gemma's will Syarqawi married his widow, Khadijah. In 1875 Syarqawi and Khadijah sailed to Sumenep and settled in Prenduan, a wealthy village on the southern coast of Madura. In this village Syarqawi taught religious knowledge at a small *pesantren* and soon became very famous across the town. It seemed that his fast-growing popularity made some *kiai* in Prenduan unhappy, forcing Syarqawi to consider moving to an other place to continue his *pesantren*. A friend offered him a block of land with an old stable on it in a village named Guluk-guluk, about 8 km north of Prenduan. Syarqawi migrated to this village and left his *pesantren* in Prenduan in the care of Chotib, a young *kiai* from the village. This *pesantren* would later become the Al Amien *pesantren* (De Jonge 1989a; 1989b).[4]

In 1887 Syarqawi started a new *pesantren* in Guluk-guluk. The *pesantren* would later be named An Nuqayah, literally means "clarity" or "purity", referring to the title of a *kitab* (book) written by Jalal ad-Din Al-Suyuti containing 14 chapters on knowledge.[5] The founding of An Nuqayah marked the beginning of a long history of influence and dominance in the region, not only as the result of the internal power of this elite group but also because social changes taking place in Sumenep in the 19th century made it easier for a new social elite group to burgeon. Five years before Syarqawi found his *pesantren* in Guluk-guluk the Sultanate of Sumenep was replaced by the regency system as the Dutch colonial government moved forward with the implementation of direct rule not only in Madura but across the East Indian archipelago. The last independent ruler of Sumenep, *Panembahan* Notokusumo, passed away in 1879, and his uncle was appointed acting regent by Dutch government. In 1883 he was formally inaugurated as the first colonial regent of Sumenep, still using the name Pakunataningrat as the last king had done (Tick 2005). The power of the royal family declined as it now no longer had a strong material base for its political authority. The *upeti* system had been the main source of income for the royal family, but since the implementation of the direct government system and capitalist mode of production they could no longer rely on it (Kuntowijoyo 2002).[6] The regents began to be paid a monthly salary by the Dutch government and their influence over the people faded away very quickly. This social change which led to the collapse of the old elite's political hegemony would pave the way for the religious elite to develop its social influence,[7] and in Sumenep Syarqawi and An Nuqayah would play a central role.

Pillars of the Genealogical Network

Whereas the superiority of the religious elite over the mass had been mainly based on the perception of educational achievement, its ability to exploit the social changes taking place under the colonial system required additional means, in particular a strong and effective social network. And it is here that Syarqawi was able to be at the forefront. The most important characteristic of Bani Syarqawi as an elite group has been its genealogical network. The fact that Kiai Syarqawi was a polygamist seems to have contributed to this. All written and oral sources confirm that Syarqawi had more than one wife. While there is some disagreement in the sources over the details regarding Syarqawi wives,[8] the sources agree that Syarqawi had another wife in Kudus and up to three other wives in Sumenep after Khadijah. He does not appear to have been married to more than four wives at a time. He seems to have married his fifth and the sixth wife following the deaths of earlier wives. With a total of six wives Syarqawi had 25 children both in Kudus and Sumenep.[9] It is not an exaggeration to say that through his offspring Syarqawi was able to establish a large genealogical network that would later prove to be very powerful.[10]

The main pillars of this network were established around the old stable that Syarqawi started with when he began to teach in Guluk-guluk. In the fifth year the number of *santri* (students) studying at his *pesantren* had reached as many as 100 people, living in no less than 12 lodgings in an area called *Dhalem Tenga* (lit. central building). When Syarqawi passed away in 1910 the leadership of this still anonymous *pesantren* was passed on to Bukhori and Idris, his sons by his wife Khadijah. Syarqawi's son-in-law, Imam, from nearby Karay village (the husband of Syarqawi's daughter with Khadijah, Zubaidah), also helped the brothers manage their *pesantren*.

Following his death, the seeds of competition among Syarqawi's descendents started to grow, particularly between the sons of Syarqawi by different mothers. By the 1920s some of Syarqawi's sons with Qamariyah had returned from their education at *pesantren* across Madura and Java, as well as from the Middle East, which brought some important changes to Syarqawi's heritage. The first and most obvious change was the beginning of what would later become the confederation of An Nuqayah. In 1917, Ilyas founded his own *pesantren* in an adjacent area to Dhalem Tenga, known as Lubangsa. In the same year physically a little farther apart from Dhalem Tenga another *pesantren* named Al Furqan was established by another son-in-law of Syarqawi, Hussaini (husband of Aisyah), in Sabajarin. Five years later Ilyas' younger brother Abdullah Sajjad also came back to Guluk-guluk and established another *pesantren* in an area that would later be known as Latee, due east of Lubangsa. Dhalem Tenga seemed to go into decline after the return of Ilyas and Abdullah Sajjad from their studies. Idris, the half-brother of these

two young *kiai*, then moved to a nearby village Kalabaan where he continued to teach his *santri*.

Another important change was the introduction of the *madrasi* system as an addition to the *sorogan* and *wetonan* systems that had been in use since 1887.[11] The *madrasi* system was introduced in 1935 by Khazin, a son of Ilyas. It was also around this year that the name "An Nuqayah" began to be used, as a kind of holding institution for the Lubangsa, Al Furqan, and Latee *pesantren*.

Over the next two decades there was no significant change to An Nuqayah until in 1963 Hasan Bashri, Ilyas' son-in-law, established another *pesantren* in the Nirmala area which became a new part of An Nuqayah. Hasan Bashri had a broader vision of the *mazhab* (schools of religious law), and unlike the other *kiai* from An Nuqayah did not accept the *Syafi'iyyah* school as being the superior *mazhab* (Hasan 1995).[12] Nine years after the founding of Nirmala another *pesantren* was established in Lubangsa Selatan by Ishomuddin, son of Abdullah Sajjad, the younger brother of Basyir, who ran the Latee *pesantren* following the death of his father during the Indonesian revolution for independence.

Apart from the five *pesantren* which formed the An Nuqayah confederation several other *pesantren* were founded by Syarqawi's sons-in-law (many of whom had been *santri* at An Nuqayah, or were sons of *kiai* from other *pesantren*) or their descendants. Thus a complex network of *pesantrens* was formed, along with growing competition within the religious elite group that controlled them. The *santri* of An Nuqayah also either returned to their home *pesantren* or established new *pesantren*, thus further contributing to this network. From the first generation one of Syarqawi's sons-in-law, Imam, was at the root of one of the extended parts of the genealogical network. Imam's daughter was married to *kiai* Ali Wafa from the coastal village of Ambunten. In the next generation this *pesantren* (now called Al Aswaja) would become politically important partly because of its access to the *kepulauan* area from which the majority of its *santri* come from.[13] The current important *kiai* from this line is Unais Ali Hisyam. From the second generation the daughter of Ilyas, Badi'ah, is married to *kiai* Siradjudin who was a *santri* at An Nuqayah and later founded the Nurul Islam *pesantren* in Bluto, a village south of Guluk-guluk. This part of the network was also politically important since a son of Siradjudin, Ramdlan, is now the *Bupati* (District Head) of Sumenep.

The Long Journey to Legal-Rational Authority

Education and community empowerment have always been the central contribution that *pesantren* such as An Nuqayah make to local society. Today An Nuqayah provides every level of formal education from primary school to college. Affordability and especially the

Map of Sumenep

Source: http://indonesia-peta.blogspot.com

opportunity for full-time interaction with the *kiai* and other *santri* in a religious environment, are the main reasons that parents send their children to this institution. Community development has also become of An Nuqayah's mission. Its BPM (*Biro Pengabdian Masyarakat*, or "Community Service Bureau") has given An Nuqayah a wider social network across the nation. In 1981 during the New Order regime. it received a *Kalpataru* award for environmental conservation (Hasan 1995; *interview*, Syafi'i Ansori).[14]

Involvement in political activities has been a feature of the Bani Syarqawi since its first generation. The first formal political involvement of the Bani Syarqawi was during the Indonesian revolution for independence. During this era many *kiai* and *santri* from *pesantren* across the town were involved in militias, including Sabilillah, the militia wing of Masyumi (*Majelis Syuro Muslimin Indonesia*, the confederation of Indonesian Islamic organizations). Abdullah Sajjad, who is usually depicted as having strong leadership ability, was elected *klebun* (village head) of Guluk-guluk in 1947. He was killed a couple of months later in a battle with the Dutch armed forces which had laid siege to the town of Sumenep.

One of the seeds of Bani Syarqawi's political involvement can be found in the role played by An Nuqayah during the establishment of

NU (*Nahdlatul Ulama*) in Sumenep. Ilyas was the first chairperson of NU in Sumenep after having been inaugurated by the first national chairperson of NU, Kiai Hasyim Asy'ari himself in Guluk-guluk. However, because of the geographical position of Guluk-guluk Ilyas transferred the position to Kiai Abi Syuja' from the central area of Sumenep three months after the inauguration (Arsyi 2000).[15] An Nuqayah was central to Masyumi's influence in this region when NU integrated itself into this organization both as a social organization prior to Indonesian independence and as a political party from 1945. When NU withdrew from Masyumi to become a political party in 1952, Ilyas and other *kiai* in An Nuqayah refused to leave Masyumi, even when Kiai Wahid Hasyim (leader of NU Party, son of Hasyim Asy'ari) wrote a personal letter asking him to move to the new party (Arsyi 2000). Later Idris, supported by Ishomuddin, joined the NU party, a decision which drew the political line in An Nuqayah between the *kiai* involved in Masyumi and those who were in the NU party. When Masyumi was banned in 1960 and NU was integrated into the PPP party (*Partai Persatuan Pembangunan*) in 1973, the political line became less visible.

During the New Order era, the PPP was the only effective means for Bani Syarqawi to pursue its political agenda. From the second generation Amir and Warits (both sons of Ilyas), Muqsith (son of Idris), and Basyir became involved in the party; while from the third generation were Tsabit (son of Khazin) and Syafi'i Ansori (husband of Najahatin, a great-granddaughter of Syarqawi). Most were members of the DPRD (*Dewan Perwakilan Rakyat Daerah*, the local council) of Sumenep, while Warits was also member of the National People's Consultative Assembly (MPR, *Majelis Permusyawaratan Rakyat*) from 1992 to 1998. When NU made the so-called "return to *khittah"* decision in 1984 and, partly repeating what it did in 1952, withdrew from the PPP and gave up its direct political role, elements of Bani Syarqawi decided not to leave the PPP, including Syafi'i and Warits (the latter echoing his father's refusal to leave Masyumi in 1952) who would remain in the party in the post-New Order era.

When the New Order collapsed the pillars of the authoritarian regime, especially the military and the state-sponsored party, Golkar, were also challenged. During this era Sumenep shared the nation-wide enthusiasm to foster political change. Hostility felt towards the TNI (Indonesian National Armed Forces) and to a lesser extent Golkar, were dominant issues in the 1999 general elections and 2000 *bupati* elections. Elections which during the New Order era had been merely a *pesta demokrasi* ("festival of democracy"), now became a more open political contestation that could be taken advantage of in the interests of elite circulation. This opportunity was indeed taken up by *pesantren*-connected actors to seize power from Golkar, which led to that party's significant decline as a political force since the 1999 general elections. The founding of the PKB (*Partai Kebangkitan*

Bangsa, or "National Awakening Party", sponsored by the NU) presented a major challenge to Golkar. As a result of the 1999 general elections PKB was able to overturn Golkar's domination in the DPRD and brought some *kiai* into the local council. With 25 of the 45 seats in total the PKB was now in the majority and its leader, Kiai Busyro Karim, was later elected speaker of the council. Many members of the Bani Syarqawi were elected to positions, including Hazmi (son of Basyir), Syafi'i, Muhsin (son of Amir), and Baihaqi Syafiuddin (Syarqawi's great grandson from the Khadijah line).

Busyro, a *kiai* from the Al Karimiyyah *pesantren* in Gapura, was head of the Sumenep branch of the PKB since its declaration in 1999 until he was replaced by Kiai Unais Ali Hisyam (Ambunten) in 2007. He represented the non Guluk-guluk background (sometimes also called the *kota* ("city") connection),[16] and a majority of the PKB members in the DPRD had a Guluk-guluk background. With this powerful strategic alliance the PKB was ready to move when the time came for the local council to elect a new *Bupati*. With the legislative top job being in the hands of a *kiai* from the *kota* the natural process in the triangle would now be to fill the leadership positions in the executive. With the support of a majority of its sub-branch boards the PKB came to a decision to nominate *Kiai* Ramdlan Siradj from the Nurul Islam *pesantren* to be head of the advisory council (*syuriah*) of the NU Sumenep branch in the *Bupati* election.

While the decision to nominate Ramdlan for the position of *Bupati* was made without much dispute the PKB experienced some difficulty in determining the right person to be his running partner. Realising that its candidate for *Bupati* had no political experience, let alone the bureaucratic skills to govern, the PKB had considered picking one of the senior bureaucrats in Sumenep to be nominated as *Wakil Bupati* (vice-head of the district). It was at this stage, however, that one could observe the early signs of the hidden political rivalry among the *kiai* becoming more overt. In the early stages the PKB started with a list of senior bureaucrats to be nominated to the second executive position. At the behest of Basyir who is a cousin of Ramdlan's mother and head of the PKB advisory council the party recruited a number of people to perform *istikharah* under the direct supervision of Basyir (*Radar Madura*, April 19, 2000).[17] The team, which was later called the "*tim istikharah*", was apparently not able to finish the job, partly because the manoeuvres of some *kiai* disinclined it to make a decision that would be politically controversial. An important issue at the time was the "ABG campaign" (*asal bukan Guluk-guluk*, or "anything but *Guluk-guluk*")—a campaign organized by those who wanted the Vice-*Bupati* position reserved for people with a non Guluk-guluk background. One of the very blatant manifestations of this rivalry was when Kiai Said Abdullah from the *pesantren* Mathali'ul Anwar in central Sumenep raised the name of his brother-in-law, Muis Aliwafa to enter the Vice-*Bupati* candidate market. Muis, at the time the head of a sub-district

in Lamongan, is the cousin of PPP leader, Annisah, and his wife is Busyro's cousin. This made him an ideal candidate because he was part of the *kota* connection. Muis was not popular at the time, but since the top executive leadership was elected by the local council the popularity of candidates was not a big issue.

With the pair of candidates – carrying out the *pesantren*'s interest in the political process – the PKB was now ready to compete in the *Bupati* election. But it was not until it had passed the last test that the PKB could win the election. The incumbent *Bupati* Colonel, Sukarno Marsaid, was running for a second term in 2000-2005 and seemed to have managed to eliminate a competitor, Police Superintendent Madjid Tawil, from the running for the PPP's nomination for candidate (*Suara Indonesia*, April 28, 2000; *Surya*, April 28, 2000; *Radar Madura*, May 2, 2000). Without Madjid in the list of candidates the competition was simpler. Nevertheless, with anti-TNI feeling still high among civil society elements (*Radar Madura*, April 11, 2000) the incumbent understood that he was not able to rely on Golkar and the TNI-faction any longer. He was then reported to have offered some money, ranging from 150 million to 300 million rupiah, to the PKB members of the DPRD to vote for him (*Arus Reformasi*, April 5, 2000; *Radar Madura*, May 2, 2000).[18] This was a big issue in the media and risked severely damaging PKB's reputation. The PKB responded by "politically quarantining" PKB members of the local council in the house of a young, charismatic Kiai Rahem Usymuni for two nights prior to election-day on 3 May 2000.

The idea of the political quarantine came from Basyir. Rahem, an eccentric *kiai* who was renowned for his alleged supernatural ability, supported the idea and appears to have offered his house as the quarantine location. His house, located inside the *pesantren* Tarate compound, was in fact an ideal place for the pre-election quarantine given that it was located less than two kilometres from the DPRD building—literally "behind" the local council. In this house all 25 PKB members of the DPRD stayed around the clock for no less than 48 hours. They were required to take an oath that they would vote for Ramdlan and were implicitly threatened that there would be serious personal and political consequences for them if it was discovered that they had voted for the incumbent or received money from him. On election day they were escorted directly to the DPRD (*Suara Indonesia*, May 4, 2000; *interviews*, Kiai Rahem Usymuni and Mawardi).[19] This political manoeuvre evidently worked very effectively. Ramdlan won the election with 28 votes, leaving only 12 for Sukarno Marsaid. One step of political change had been accomplished; the *pesantren* now had a stronger grip on the political process.

Madjid Tawil's candidacy for the PPP in 2000 mentioned earlier can be seen as a manifestation of the party's troubles. The PPP has long been the rival of Golkar. During the peak of New Order's political

repression the party experienced much persecution, especially during the time of the 1982 elections when the government adopted a ruthless approach toward its political opponents. In 1999, when the PPP's traditional political rival, Golkar, was replaced by a new rival, the PKB, the party lost its traditional theme and became politically disoriented. Madjid's candidacy was a blunder that can be best understood in this way.

Since 2001 when Warits returned to the political stage in Sumenep and took over the leadership of the party, the PPP has become firmer in its political goals. Warits then ran for the Sumenep DPRD membership in the 2004 elections. A very experienced politician Warits later proved to be a huge political threat for PKB politicians. Led by Warits PPP's seats in the DPRD rose from six in the 1999 elections to seven in 2004, whereas PKB's share declined from 25 to 23. Warits' political artfulness would also be proven later in the first direct election for the position of *Bupati*.

In his first term of office, Ramdlan was unable to effectively control the bureaucracy. Corruption was far from being removed from the performance of the bureaucracy, which led to a perception on the part of many *kiai* that the district government was getting worse under the political leadership of a *kiai*—a view that was shared with other civil society elements including the press. On the other hand Ramdlan also failed to maintain good communications with other *kiai* who had supported his candidacy in 2000. The senior *kiai* were frustrated by the fact that their access to the *Bupati* was obstructed by both bureaucratic procedures and Ramdlan's unwillingness to listen to their advice. Many *kiai* now shared the view that having a *kiai* as a political leader meant nothing unless he could carry out *ibadah* values in the performance of his political office (interviews, Kiai Said Abdullah, Kiai Wadud Munir (An Nuqayah), and Rahem; *Surabaya Post*, February 16, 2005, *Bhirawa*, March 3, 2005).

Reflecting more general tendencies in local government practice around the country since 1999, politics in Sumenep witnessed growing tensions between the executive and the legislature.[20] In this town executive-legislative tensions took on another dimension: emulation between *Kota* and *Guluk-guluk* clusters. Busyro had become Ramdlan's main political rival. Any criticism by the DPRD of the *Bupati* would be taken as an expression of political enmity on the part of Busyro towards Ramdlan – particularly since it had become publicly known that Busyro wanted to run for the top executive position in the forthcoming election.[21] Busyro could actually take advantage of Ramdlan's declining popularity but he had a problem in gaining support from senior *kiai*. Busyro is a young and brave *kiai* but his assertiveness was sometimes regarded as arrogance by senior *kiai*. To some Busyro lacked *tawaddu'* (lit. "humility"), a personal characteristic that is expected of a *kiai* and an important élan in the NU. Even *kiai* from *Kota* would not see him as an ideal figure to

represent *kiai* in politics (interviews Rahem and Said). Nevertheless, from his position in the PKB Busyro was able to ensure his candidacy in the *Bupati* direct election. Basyir, apparently bound by his formal position in the PKB, gave his support to Busyro's candidacy.

Following an internal process to find the most popular candidate the PKB came to the decision to give its ticket to Busyro, with Tsabit from An Nuqayah as his running partner. Tsabit was later disqualified from the candidacy process because his formal education background was lower than the minimum requirement; he was replaced by Ramli, a Sumenep-born bureaucrat from Jember. Elements in the PKB were actually still hoping that Ramdlan would run for the next term of office under the party's ticket but the incumbent had always stated that he was not interested in continuing in the position any longer (interview, Kiai Ramdlan Siraj) and was reported to have made a statement that being in the *pendopo* felt like "being in hell" for him (interviews with Mawardi, Unais, and Syafi'i).[22] In fact, Ramdlan never applied for any parties' ticket to run for the *Bupati* candidacy. In the earlier stages the PPP seemed to assume that Ramdlan would still be with the PKB and therefore waited for the PKB's decision. Warits indicated that if the PKB had nominated Ramdlan the PPP would have supported it (*Teropong*, September 14, 2004; interview, Warits). It was now obvious that bringing Ramdlan to the *Bupati* election was PPP's main objective, for a very clear reason: Warits had calculated that Ramdlan as the incumbent would have the best chance winning the election. By supporting his candidacy the PPP would be making a great investment for its own political goals, especially for the next 2009 general elections. Ramdlan's hesitation to run would only be a minor problem for the PPP, with its existing *kiai* network that had been politically rejuvenated by Warits. Through the exhortation of Kiai Hammad Karay, a much respected and charismatic *kiai* from the nearby village of *Guluk-guluk*, Ramdlan was finally convinced that a second term of office would be best for the people of Sumenep. Hammad was reported to have told Ramdlan that if he did not run for the election he would be being *dhalim* (lit. "cruel") to the Sumenep people, particularly his supporters (interviews, Syafi'i and Warits).

Initially the PPP chose Artawi Sahari as Ramdlan's running partner. Following his rejection by a majority of the sub-branch boards of the PPP Artawi was dropped from nomination and the PPP selected instead a senior bureaucrat from Bangkalan, Mochammad Dahlan. The official explanation had been that Artawi was unable to comply with some administrative requirements of the candidacy (*Radar Madura*, April 15, 2005), but the real reason was that the PPP needed to respond properly to growing demands to accommodate people from the *kepulauan* ("archipelago"). Dahlan was born in Arjasa Island and was thus deemed to be the best person to ensure the support from the *kepulauan*, given the fact that it was unlikely that the PPP would be able to rely on the support of the Ambunten

cluster to gain votes from the *kepulauan* because *kyai* Unais' position as Secretary of PKB meant that he was formally bound to support Busyro's candidacy.

Busyro and Ramdlan had been the strongest candidates from the very beginning, but the political contestation would also become more complicated by the tight competition with other candidates: Muis (the Vice-*Bupati*), Afif Hasan (son of Hasan Bashri from the Nirmala *pesantren* in An Nuqayah), and Madjid Tawil, who this time selected *Kiai* Wakir Abdullah (the leader of Golkar) as his running mate. Afif, affirming Nirmala's inclination toward modernist Islam, ran under the PAN ticket for his candidacy. With all five pairs of candidates containing *kiai* elements this election was applauded as a "battle of *kiai*". Some even remarked, noting the high level of competition between the sons and grandsons of Syarqawi, that the candidacy process was "the battle of Bani Syarqawi". In the end this battle was won by Ramdlan who gained 44.08% of the vote.

By the year 2010 Ramdlan had been 10 years in the *Bupati* position. Other Bani Syarqawi who are members of the DPRD will have been in office for at least five years (except for Warits who has a much longer record in a formal position). This means that by 2010 the Bani Syarqawi had dominated the local politics of Sumenep for the last 10 years, which represents a significant achievement of legal-rational authority to complement their traditional authority that they have enjoyed since 1887.

This chapter has argued that the superiority of the elite over the mass in Sumenep has been based mainly on educational achievement and a genealogical network that is both powerful and at the same time fraught with conflict and rivalry. The origin of this superiority lies with a process of social and economic change that enabled the religious elite to become the dominant elite group in rural communities following the rapid decline in the power of the traditional royal political elite during the colonial era. Every political change that has taken place in modern Indonesia since this time has paved the way for this elite group, in Weberian terms, to transform its traditional authority into a legal-rational authority. This process has culminated in the latest political transition following the period of democratization that followed the collapse of the New Order in 1998, which has brought members of this elite religious group to the top political offices at the local level.

* * *

Educational achievement and the networks based on Islamic educational institutions, genealogical and otherwise, provide an important avenue to political power and influence in Indonesia. The following chapter discusses the struggle for control over the education of Muslims in a country where Muslims form a minority – Thailand.

As will become clear, the issue of the reform of Islamic eduction in southern Thailand is one which is highly politicized.

Notes

1 "*Bani*" literally means "descendant of". Here "Bani Syarqawi" is also used to refer to the extended network of the *santri* of Syarqawi's *pesantren*.

2 *Kiai* is the title given to *ulama* in some Indonesian communities, particularly in Java and Madura.

3 One source claims that Syarqawi stayed in Makkah for as long as 12 years (Hasan 1995: 159).

4 The *pesantren* was formally established in 1952 by one of Chotib's sons, *kiai* Djauhari.

5 Interview with *kiai* Syafi'i Ansori. I also would like to thank *Ustadz* Mumu Mubarak Omo (Perth) for helping me find the English words with the closest meaning to An Nuqayah. Please note that the name An Nuqayah was not used until the mid-1930s (Arsyi *et al*. 2000: 1).

6 *Upeti* is the compulsory tribute paid by the people to the king. This system was widely used by the traditional rulers in feudal societies.

7 As Mansurnoor puts it: "The decline of *rato* [lit. king] in the face of colonial intrusion helped many *ulama* to share the *rato*'s prestige at the local level" (Mansurnoor 1995).

8 Bisri Effendy states that Khadijah was Syarqawi's first wife, and that he married his second wife in Kudus when he and Khadijah visited the town (Effendy 1990, 56). The later sources, including the family tree book of Bani Syarqawi, indicate that Syarqawi had already had a wife in Kudus when he started his teaching activities in Prenduan (Hasan *et al.* 1999: 4; Arsyi *et al*. 2000: 2). There is also some controversy regarding the children of Syarqawi. Effendy says that Syarqawi had child/children with each of his wives, except with Sarbati, his fourth wife. However Hasan writes that Syarqawi did not have any children from his marriage with Khadijah (Effendy 1990: 56; Hasan *et al*. 1999: 161). It is not very easy to decide which version to accept since the works on the life and the early family line of Syarqawi are to a large extent based on oral stories. However, given the more detailed data available in the later sources (including the years of birth of many people aggregated in the family tree book), the version that Syarqawi had already had a wife in Kudus before marrying Khadijah, and that he had child/children with each of his wife, seems more acceptable.

9 The names, year of birth and inter-marriage relationship, mostly refer to Hasan *et al*., *Silsilah*.

10 Genealogical networks have been one of the main features of *pesantren* network, with various bases ranging from bloodlines to inter-marriage networks (Dhofier 1999).

11 *Madrasi* is an education system similar to that of modern educational institutions where the *santri* are divided into classes. *Sorogan* and *wetonan* are traditional methods of studying the *kitab kuning* (traditional Islamic literature that are the main sources in *pesantren*). *Sorogan* is more individually-oriented where *santri* read the *kitab kuning* independently under the supervision of the *kiai*. In *wetonan* the *kiai* teach the *kitab kuning* to a group of *santri* periodically. Some sons and grandsons of Syarqawi were trained at the Tebuireng *pesantren* in Jombang and were inspired by the application of the *madrasi* system at Tebuireng several years before.

12 The *kiai* from Nirmala was in a political alliance with PAN (*Partai Amanat Nasional*, a political party with the modernist Muslim Muhammadiyah communities as their main social base) in the *Bupati* election.

13 *Kepulauan* literally means "archipelago", referring to 126 smaller islands situated due north-east of the mainland of Sumenep.

14 Kalpatura was an award granted to individuals or institutions during the Suharto administration for achievement in environmental conservation.

15 NU was found in Surabaya in 1926. Hasyim Asy'ari, the grandfather of former Indonesian President Abdurrahman Wahid, was the teacher of the first and second generation of Bani Syarqawi when they were studying at Tebuireng.

16 *Kota* literally means city; it refers to *kiai* in the central area of Sumenep, as opposed to the Guluk-guluk connection a.k.a. the *Bani Syarqawi*.

17 *Istikharah* is a prayer to seek the guidance of God in a problematic situation in which no solution is apparent.

18 Information on the amount of money, equal to $15,000 - $30,000, was acquired from some *kiai*.

19 Rahem Usymuni is the son of one of the most influential *kiai* in the cluster, the late *Kiai* Usymuni. He implicitly admitted that the mafia-style method involved in the political quarantine was his idea.

20 Legislative bodies during the New Order era were often called "rubber stamps" because of their limited political power. In effect they merely gave formal legitimacy to the policies of the executive. This has changed since 1998 when the political pendulum has swung to the legislative side and created some tensions with executive bodies.

21 This has been his ambition since 2000, and, Busyro indicated, a goal for 2010 (interview with *Kiai* Busyro Karim).

22 *Pendopo* is the official residence of the *Bupati*.

SEVEN

The *Pondok* System in Thai Government Schools: New Trends in Islamic Education in Thailand's Southern Border Provinces

Faisol Haji Awang

According to a well-known *hadith*, seeking knowledge is compulsory for every Muslim. However the Prophet SAW never stated that knowledge was to be divided into the "religious" and the "secular". Many Muslim scholars classify knowledge in terms of the needs of the individual and community, rather than the religious and the secular. The great Muslim scholar, Abu Hamid al-*Ghazzali* (1058-1111A.D.) in his magnum opus, *Ihyâ' 'Ulûm al-Dîn* (Revival of Religious Knowledge), states that knowledge is to be divided into two categories (see Oliver 2002: 24; al-Ghazzali 1982: Vol 1, p. 1). The first, known as *fardhu 'ain*, concerns knowledge which every Muslim is required to know in order to achieve salvation. This includes the fundamental principles of faith and the obligatory duties of a Muslim according to the *Shari'ah*. The second, referred to as *fardu kifâyah*, relates to knowledge that pertains to life in this world, such as medicine, engineering, astronomy, economics, etc., which, although not incumbent on the Muslim individual, is obligatory for certain members of the community (*ummah*) to ensure that the needs and well-being of the community as a whole are secured (Abu Hamid 1872: 100). Accordingly, the Muslim community has been well aware of the necessity of these two kinds of knowledge and the importance of providing an educational system that does not separate but integrates them. The division of knowledge into the "religious" and "secular" came about as a result of the process of modernization in which Western models of education came to dominate and prevail in almost every part of the world (Fakhry 1983: 42-63).

In the case of the Malay Muslims in the southern border provinces of Thailand, the *pondok* was the traditional educational institution that taught Islamic religious knowledge to the community. The *pondok* also played a significant role in the preservation of Malay ethnic identity. Since the recent outbreak of a violent insurgency in

the southern border provinces the *pondok* have become a prime target of the central Thai government, which harbors suspicions that besides teaching Islamic religious knowledge the *pondok* might also be playing other roles such as training the youth as guerillas to fight to reclaim their motherland and teaching the doctrine of *jihad* (Liow 2004: 2; Kfir 2009). Education is thus a key battleground in the current conflict in this region, and attacks on schools and teachers have become a regular feature of the violence.

This chapter examines the role and function of southern Thailand's *pondok* in the past and the present. It will focus on the government's efforts to end the insurgency in the southern border provinces through reforms to the Islamic educational system. The discussion will examine the Thai government's policies towards Islamic education as well as new trends in Islamic studies and curricula in the region. It will also analyze the feasibility of the government's attempts to implement a new Islamic education system resembling the *pondok* system in Thai government schools. The positive and negative responses of the Malay Muslim community to the new Islamic educational system implemented by the government will also be examined, especially as they relate to prevailing ethno-nationalist sentiments.

Traditional *Pondok* Education in Patani

The process of institutional change has made the Muslims of Patani aware of the impact of modern trends on their traditional institutions. Speaking of modern trends makes the Muslim religious leaders wonder what is going to happen in the future, if such terms carry the meaning they seem to imply. Besides not being well-prepared in modern fields of education, traditional Muslims also know that Islamic education is totally different from what the secularists think education should be (Madmarn 2000: 59).

Since the arrival of Islam in Southeast Asia the region of the former sultanate of Patani has played a major role in the spread of Islamic thought (Abdullah 1990: 24; Zamberi 1994: 93). In the late 19th and early 20th centuries Patani was considered one of the most important centers for religious education and scholarship on the Malay peninsula (Syukri 2002: 32-4). According to A. Malek, among the most significant factors that made Patani a cradle of Islamic knowledge in the Malay world was the claim that the first historical *pondok* had been established in the Patani Sultanate (Zamberi 1994: 93). In 1532 during the reign of Sultan Muhammad Shah, Wan Hussein Sanawi, a pious Malay scholar at that time, was ordered by the Sultan to establish a *pondok* at Ta'luk Ma'nok village – located in present-day Bachok district, Narathiwat Province (Bashah 1977: 67). Other sources suggest that the *pondok* Sa'nor, today located in a village in Yarang district, Pattani province, had

been established even earlier than *pondok* Ta'luk Ma'nok by an '*alim faqih* (scholar-jurist) named Wan Musa bin Wan Muhammad Salih. It is said that this *pondok* was the place where the renowned scholar Shaikh Daud al-Fatani received his education before he furthered his studies in Makkah (Pirayot 2002: 105; al Fathani 2001a: 16).The most important reason for Patani's prominence is likely to have been the attraction of the famous religious scholars of Patani. Many prominent and productive scholars from Patani, such as Shaikh Daud al-Fatani (1769-1847), Shaikh Zainal 'Abidin al-Fatani (1820-1913) and Shaikh Ahmad al-Fatani (1856-1908), were recognized not only by Muslims in the Malay world but were known and respected by Arabic, Turkish, as well as Northern African Muslims (Daud 1992; Zamberi 1994: 95). Sheikh Daud al-Fatani (1769-1849) was recognized among Haramain's intellectuals as one of the most famous Malay scholars at that time. He even conducted academic classes at the Masjid al-Haram (Zamberi 1994: 95). Because of its reputation as a center of Islamic scholarship Patani was sometimes referred to as *Cermin Makkah*, "The mirror of Makkah", or *Serambi Makkah*, "The verandah of Makkah" (Zamberi 1994: 95; Azra 2004: 16-17, 240-41).

In short, the *pondok* was once the most popular institution for Islamic education in the region. *Pondoks* provided Muslims with the knowledge of Islam which every Muslim was required to learn. They produced religious scholars who were influential and respected within Malay society and the Muslim world alike. Even today, the *pondok* tradition in the southern border provinces of Thailand – the former region of the Patani Sultanate – is still very much alive. These schools maintain a close connection with Haramain and the Middle East generally. In fact, many prominent contemporary scholars in the south, such as Isma'il Lutfi Chapakiya, Rector of Yala Islamic College (now Yala Islamic University), Isma'il 'Ali, Director of the College of Islamic Studies, Prince of Songkhla University, and 'Abdul Halim Saising, Dean of the Faculty of Islamic Studies, Yala Islamic University, were the product of *pondok* education in southern Thailand prior to the furthering of their studies in the land of Haram under Saudi Arabian scholars. These prominent contemporary Patanian figures maintain their Haramain and Arabic links (Liow 2009: 23-8).

From the time that the Malays in the region converted to Islam the *surau* or *balaisah* (mosque) have functioned according to Islamic tradition as public places of worship to which every social class within the Muslim community could come to seek knowledge. However, given the restriction on the mosque as a formal place of worship it was the *pondok* that took on the role of the Islamic institution which was solely responsible for the activity of learning. The close relationship between the *pondok* and the local community was one of the elements that produced strong ethno-religious sentiments among the Malays of this region. The first *pondoks* in southern

Thailand began as quite small institutions. Typically they consisted of around 20-30 full-time pupils living near the teacher's residence. The *pondok* served people in the village or the immediate community who wished to study Islam. Village men of high virtue and religious eloquence would be invited to be the *tok guru* or "master" of the *pondok*. The community donated land and prepared shelter for the *tok guru*. The *tok guru* did not have to worry about receiving a salary to maintain his livelihood since serving as a Muslim scholar and a religious leader for the sake of Allah he had the right to receive *zakat* (Islamic charity) from the community (Rung 1968: 21-22). There was no set curriculum, no definite evaluation system, nor a time limit set for the completion of study, since the purpose of attending the *pondok* was not to graduate and find a job but rather to immerse oneself in a life-long education in Islam, learn the essence of the Qur'an, and leading a moral life (Liow 2004).

Government Attempts to Reform *Pondok* Education

Over time many *pondoks* in southern Thailand were forced to develop into more formally organized educational institutions. Since there was no standard system of assessment in place *pondok* were not accredited by the Ministry of Education of Thailand. Therefore, the first basic change that took place under the supervision of the central Thai government was in the curriculum. This was a consequence of successive Thai governments' attempts to formalize and integrate the *pondok* into the mainstream Thai educational system. In 1961 under Field Marshal Sarit Thanarat, the Thai government initiated a program of educational reform in the provinces of Pattani, Yala and Narathiwat. The aim was to transform the traditional *pondok* into registered "private Islamic schools" (*rongrian ekachon sorn sasana islam*) intended to impart secular education to students who studied at the *pondok* (Uthai 1991: 146). However, the broader objectives of the implementation of this program were on the one hand, for the first time, to give the Thai government some degree of formal control over the *pondok* curriculum, and on the other hand to produce graduates who could occupy administrative posts in the southern border provinces (1991: 146). As a result of this program, numerous traditional *pondok* transformed their status into private Islamic educational institutions. Gradually these schools combined both religious and secular programs under the supervision of the Ministry of Education of Thailand (Suthep 2004). Under Sarit's educational reform program, all *pondoks* were required to register with the government and to teach a standard government-approved curriculum in the Thai language as the medium of instruction. Religious subjects were allowed to be taught on the condition that they conformed to the requirements of the Ministry of Education. This placed considerable pressure on many *pondoks*. In 1971, out of the 535 *pondoks* in the

region 109 *pondoks* failed to comply with the government policy and ceased to operate (Liow 2004: 121-49; Madmarn 2002: 80-83).

The replacement of the traditional *pondok* with private Islamic religious schools has had a major impact on Muslim education in the southern border provinces. Most Islamic schools have been unable to raise the standard of their secular curriculum to a level comparable to that of the Thai public schools. In the religious subjects they offer they have lost much of the traditional academic strength the *pondok* were once famous for. Moreover, students at these *pondok* have to pay school fees for both secular and religious education, which in many cases are higher than the fees charged by the public schools (Che Man 2002: 12). Also, at the same time that many private Islamic schools have been struggling to survive, the government has accelerated its efforts to increase the number of Thai government schools in the Malay Muslim provinces. As a result private Islamic schools have gradually decreased in number from 550 in the early 1970s to 202 in 2009 (*Samnak ngan borihan* 2009).

The decline in the number of private Islamic schools in the southern border provinces was to be expected. Some of them were unable to meet the requirements of the increasing number of regulations set by the government. Others have lost their essential characteristic as centers of religious scholarship upon which their reputation with the local community depended. Many owners of Islamic schools have experienced difficulties in obtaining the funds needed to cover the expenses of operating a school. While several large Islamic schools have successfully upgraded themselves to the status of "foundations" in order to secure government financial assistance, this has meant a greater assertion of control by the government (Pirayot 2002: 105).

The transformation of the traditional *pondok* into private Islamic religious schools may be viewed as the latest in the Thai government's efforts to neutralize the socio-cultural role of the *pondok*, which have long been viewed as an obstacle to national integration (Che Man 2002: 9). With the introduction of a secular curriculum and Thai teachers into the existing Islamic schools, Thai values and culture have been diffused into the Malay Muslim communities. Although Islamic religious schools in the region continue to exist they are not able to provide the cultural fortification and religious scholarship for the Malay Muslims that the *pondok* once did. The spiritual element and the unique learning environment that the *pondok* provided do not exist in the new formal Islamic private schools. Yet despite the inroads made by the Thai education system in the region, for many Muslims the traditional *pondok* retain their attraction. Even today many students from all over Thailand still congregate at the *pondoks* with the clear purpose of training their minds to be calm and able to resist material temptations. At the *pondok* they have

more time to devote themselves exclusively to Islamic studies. They can better practice the religious teachings by observing strict daily routines and learning from their peers. Some Muslim parents in the region still prefer to send their children to the remaining 25 percent of traditional *pondoks* which focus exclusively on Islamic education ("Pondok: School of Islamic Virtue": 4-5). Even though they realize that students in the formal private Islamic schools have better career opportunities after completing school, their parents believe that at these schools their children are more likely to be tempted by material desires which may be an obstacle to their becoming pious and sincere Muslim scholars in the future.

While adopting an integrated curriculum is not a new concept for Muslim educators (Bhabha 1997: 34-51), the establishment of private Islamic schools in southern Thailand since the 1960s has placed the local Malay Muslims in a dilemma: how to maintain their traditional Islamic heritage while at the same time adapting to the national educational policy whose goal is to provide an adequate education for a modern life and to integrate ethnic groups within the nation? As Surin Pitsuwan described the situation facing the local population in the late 1970s – early 1980s, "… if they wished to participate in the nation's political process, they would have to be educated in the government's secular schools. To take part in the educational system offered by the government would mean to cast off an important feature of their Malay Muslim ethnic and religious identity…" (Pitsuwan 1985: 78)

The mainstreaming of Islamic education in line with the government's overall educational policy has resulted in Muslim educators being forced to upgrade the teaching and learning models used in Islamic private schools into a systematic process. This has led to a change in the entire structure of traditional Islamic institutions. In addition, in order to cope with the challenge to the traditional model of education young generations of Muslims from private Islamic schools throughout the country have been encouraged to make a choice between two fields of study: that is, between academic and religious studies (Madmarn 2002: 83).

In 2006, based on the belief that the goals of socio-economic development and an end to the violence in the southern Thai border region could be achieved by strengthening education, the Ministry of Education reviewed and redesigned the education policy for the southern border provinces. The Ministry claims that it is now working to improve the standard of education while at the same time promoting and preserving the educational needs of local communities, such as *tadika* (training centers for children on morals and Islam, held at the mosque) and *pondok*. The main objectives are ostensibly to provide education which responds to the requirements of the local people and which is relevant to their present economic, social and cultural circumstances, as well as to promote peaceful coexistence

in these provinces. The Ministry of Education, in cooperation with the "Committee on the Southern Border Provinces Peace Building Policy", has also established "Centers of Coordination and Educational Management" in these provinces so as to integrate activities related to educational development (Ministry of Foreigh Affairs 2009). All of these initiatives have been carried out in accordance with The National Education Act of 1999 and Amendments (Second National Education Act 2002), which stipulate that individuals, families, communities, and social and religious institutions, including non-governmental organizations, have the right to a basic education and are entitled to equitable benefits from the government (Office of the National Education Commission 1999).

Based on the principles of the National Education Act the Ministry of Education claims that since 2006 it has carried out numerous significant improvements to the provision of education in the southern border region, among them:

1. The introduction of bi-lingual instruction, namely, Thai and *Jawi* (local Malay dialect) in public primary schools in 12 pilot schools;
2. The development of Thai, English, Chinese and Malay language teaching, including *Jawi*, as the medium of instruction. Instruction media, including Thai-local Malay dictionaries, textbooks and CDs have been produced;
3. The promotion of the teaching of Islam in 142 public schools and inviting reputable religious teachers (*ustaz*) to teach in these public schools;
4. The improvement of the academic qualifications of personnel of private religious schools and *pondok* by providing financial support to 103 administrators and 197 teachers to study educational management and social studies;
5. The promotion of cooperation between educational institutions and local communities in educational services by arranging workshops in 70 target schools;
6. Support given to basic Islamic education on morals and Islam at 1,605 training centers at the mosque (*tadika*) by giving opportunities to local religious leaders and experts to participate in the development of curriculum and textbooks. Training courses on curriculum development had been arranged for 1,450 educational personnel, 3,440 religious teachers and 90 supervisors;
7. The integration of general and vocational subjects into the syllabus of Islamic private schools and schools;
8. The development of 54 Islamic private schools as "model *pondok*" to serve as models for the integrated teaching of secular and religious studies;
9. The acceleration of the process of establishing a Faculty of Islamic Studies at the Princess of Narathiwat University in

Narathiwat Province, in cooperation with Syarif Hidayatullah State Islamic University of Indonesia (UIN Indonesia) and al-Azhar University of Egypt;
10. The pursuit of educational cooperation activities involving Thai Muslim students with neighboring countries such as Brunei Darussalam, Indonesia and Malaysia;
11. The granting of scholarships to students in the southern provinces (Ministry of Foreign Affairs 2009).

There remain, however, many questions regarding the long-term process by which the Malay Muslim peoples in the southern part of Thailand will adapt themselves to the new models of Islamic education. For example, what is the real significance of the new Islamic education program? What impact are the National Education Act and the new Islamic studies programs having on local Malay Muslim identity and Islamic religious schooling? What new opportunities are provided by the Act and what other efforts are needed to shape future trends in Islamic education and Malay Muslim identity? What should be the role of Malay Muslim scholars and religious leaders in meeting the challenges of the new educational program? What are the responses of the Malay Muslim community to the education reform in terms of their desire to sustain an authentic Islamic educational system?

Hasan Madmarn has argued that Muslim religious leaders remain deeply concerned about the future of traditional Islamic education. The *pondok* remains central to Malay-Muslim identity and lifestyle in the southern Thai border provinces (Madmarn 2002: 59). Like other such institutions in Southeast Asia, however, the *pondok* of Thailand are confronted with the challenge of making themselves relevant in the context of social, political, and economic changes taking place at the national, regional and international levels (Liow 2004: 3-7). Although there are more than 500 *pondok* operating in southern Thailand's border provinces only about 200 of them are currently registered with government authorities (*Samnakngan borihan* 2009), leading to claims by the Thai government that some of these *pondok* are fostering religious extremism and harboring militants. About 30 of these 500 *pondok* are suspected by the government of preaching violence in the name of Islam (*Samnakngan borihan* 2009). Since the resurgence of violence in the south that began in January 2004 government security forces have instituted regular searches of *pondok* in Pattani, Yala and Narathiwat. These incidents are increasingly undertaken without warning and are viewed by many local Muslims as a violation of their religio-cultural space ("School System" 2004; Kfir 2009). As a result numerous *pondok* have gone underground for fear that registration will encourage further government incursions into Muslim education and consequently weaken Malay Muslim society (Liow 2004).

Islamic Curricula in Thai Government Schools

Apart from the Thai government's attempts to transform *pondok* into private Islamic schools offering both religious and secular subjects, another important change to education in the southern border provinces has been the development of a new curriculum in Islamic education for government-run primary and secondary schools. The curriculum represents a complete combination of the secular and religious syllabi. This policy has been implemented jointly by the Ministry of Interior and Ministry of Education under the supervision of the Department of Local Administration (*krom kanpokhrong thongthin*) which is directly responsible for local education. The program became fully operational in November 1, 2005 (*Suanwichakan* 2005).

The government hopes that the new Islamic education will be an improvement on the previously existing Islamic Religious Knowledge (IRK), which had been taught in government schools only as part of the social sciences and culture curriculum (*klum sara kan rian ru sangkhom lae wathanatham*). The government has tried to address the weaknesses of the previous Islamic education program by adding subjects that are currently already taught in the Islamic private schools, starting at the *Ibtida'i* (primary Islamic syllabus) level and ending at the *Thanawi* (secondary Islamic syllabus). The aim of the program is to enable those students who have completed the entire curriculum to obtain both an academic and Islamic studies high-school certificate at the same time, thus giving them the opportunity to further their education at any university in the country or abroad (*Suanwichakan* 2005). However, because of the limited time set aside for teaching and learning Islamic studies the Islamic education program in government schools is clearly inferior to the teaching of Islamic studies in the *pondoks* or the private Islamic schools. It could be said that not only is this new Islamic education program in Thai government schools in fact weakening the level of Islamic knowledge among school students in the region but it is also providing even more competition for the already embattled private Islamic schools.

What this new program represents is a major new intervention by the Thai government in Islamic education in the southern border provinces. In Pattani, Yala and Narathiwat the Department of Local Administration (*krom kanpokhrong thongthin*) has implemented this program of complete integration of religious and secular education by transferring *tadika* (Islamic kindergartens) from the Muslim communities and local mosques in which they were formerly based and on whom they depended financially to government-run primary schools funded by the national education budget. With a complete Islamic education syllabus and integrated curriculum developed and approved by the Ministry of Education the government will gradually take control of the Islamic education programs formerly run by

tadika and Islamic private schools (*pondok*). Also, the government is hoping to lure Muslim religious teachers (*ustaz*) from the private Islamic schools and traditional *pondoks* to teach Islamic Studies at the government schools with offers of high standard salaries. The government's hope is that coopting qualified Islamic religious teachers from the local communities will help eliminate any separatist or "deviant" ideology (*Suanwichakan* 2005).

The vast majority of *pondok* in the southern border provinces focus primarily on instilling in their students a deeper knowledge of Islamic scripture while helping them acquire secular knowledge and vocational skills. For the government, however, the traditional *pondok* and private Islamic schools are institutions which require close scrutiny, not unlike the way it monitors nationalist movements such as PULO, BRN, GAMPAR, BERSATU, RKK, etc. It is difficult for *pondok* to defend themselves against government accusations and escape from what that they regard as unfair persecution. The Thai government's focus on the *pondok* as a security threat is also linked to the imported "Islamophobia" that has spread worldwide since the September 11 2001 attacks on the United States and the ensuing "war on terror", which have drawn attention to suspected links between Islamic education and terrorism.

Many people in the Muslim community in the southern border provinces, especially those involved in the Islamic educational system such as the owners of the *pondok* and Islamic private schools, *tok guru*, *ustaz* as well as *imam*, believe that the government's plans to address the southern border provinces crisis by reforming traditional Islamic education represents an historic challenge (Abdussyakur 2008). However, some Muslim scholars in the College of Islamic Studies, Prince of Songkhla University, take an opposite view. According to them, the government is obliged to review all the Islamic studies curricula implemented in government schools as well as to open up new channels for the running of complete Islamic studies programs in government schools in order to sustain the population of Muslim students in this region who are rapidly moving to the Islamic private schools (Ibrahim 2008). In fact, the main area of contention would appear to be not over the issue of the inclusion of "secular" subjects in Islamic education but who has control over the running of the Islamic studies programs.

It may be argued that the Thai government is obliged to reform and improve Islamic education in the southern border provinces of Thailand. Yet government attempts to carry out such reforms risk inflaming ethno-religious sentiments. Many scholars and religious leaders in the Malay Muslim community who are concerned with the Islamic educational system, especially the owners of the *pondok* and the private Islamic schools, claim that the Thai government's new educational policy represents an attack on the authority of the traditional Islamic educational system. The government's attempts

to draw away their students and attract better quality teachers by offering good conditions and salaries mean that the *pondok* will face increasingly serious problems in maintaining their identity in the future. Local Muslims feel that if the Islamic educational system is organized by the government, which in their eyes lacks religious authority and which they feel they cannot totally trust, they can not be confident about the results that the government aims to achieve in its educational reforms. Moreover, they are unsure whether this policy, like the policies of previous governments, is genuinely aimed at improving local education or securing political control over the Malay Muslims in southern Thailand (Abdussyakur 2008).

* * *

Education and the identity of Muslims are thus very closely intertwined, which is why the political struggle for control of Islamic education in southern Thailand is so contested. Yet the identity of Thailand's Muslim population in the south is in fact far more complex than is often recognized. The following chapter explores the vexed question of how southern Thai Muslims are represented – and how they represent themselves.

EIGHT

What's in a Name? Problematizing the Representation of Muslims in Southern Thailand

Christopher M. Joll

The best *roti chenai* in Pattani can be bought at a shop in Cabangtiga owned by Omar. Not only are the *roti* there softer and less oily but they are also served with chicken and lentil curry, revealing Omar's family's Pakistani origins. The *roti* are made on a large skillet installed in a trolley without wheels which has been placed on concrete blocks outside the front of the owner's shop house. In the shop's far corner is a table where tea and coffee are made. The wall behind the table is blackened from years of charcoal fires, as the best tea is made with water boiled over charcoal which gives it an aromatic flavor. Another of Omar's specialties is tea made with goat's milk.

Omar's patrons display the multifaceted diversity of the community of Cabangtiga, where his shop is located. Consider Pak Mat, a 73 old Malay man who dresses in his white *baju*, chequered *sarong*, and white *piyo'* every day, and is rarely seen without a village cigarette hanging from the side of his mouth. Like many Malays his age, Pak Mat speaks no Thai and has no contact with Thais, having been educated at a traditional *pondok* school before these were transformed into "private schools teaching Islam".[1] After Pak Mat left, Haji Hussein, who is another one of Omar's regulars, enters. Although these two are the same age, Haji Hussein is wealthier and is as comfortable speaking Thai as Patani Malay. Haji Hussein's son, whom I will call Be Heng, stumbles upon his father as he is finishing his two *roti* and a glass of tea. Like all Haji Hussein's children Be Heng has done well for himself, and is now enjoying the security and status of a senior position in the Thai civil service. Although Be Heng has never spoken Malay with me, like his father and children, he is bilingual. On this weekend morning he has come to enjoy a leisurely breakfast with his two friends whom he has brought in his newly purchased pick-up truck. The conversation turns to Be Heng's two friends, whose children will soon complete high school at a private

Islamic school. Decisions about which university to apply to need to be made. One son has always done well in religious subjects and has applied for scholarships to universities in the Middle East. The other, who has less interest and ability in Arabic, is considering university options in Malaysia and Thailand which are open to him due to his proficiency in both languages. Concerns are expressed about how well *dek ponoh* (PM.[2] *pondok* student) handle the temptations of Thai universities in Bangkok. Ased is another regular at Omar's *roti* shop. Unlike Pak Mat, Haji Hussein, and Be Heng, Ased is neither a Malay, nor from Pattani. Born in Songkhla (PM. *Sekoro*), Ased married a Patani Malay woman and moved to Cabangtiga 10 years ago after having lived many years in Bangkok. The only Malay Ased is able to speak is that needed to sell drinks, snacks, and daily consumables in his small shop in the front of his house. Like other Muslims from Songkhla and Nakhon Si Thammarat, Ased speaks the southern Thai dialect. His refusal to speak Malay is due to his disdain for Malays, whom he considers backward, stupid, and lazy. While he was still in Bangkok, Ased thought of Pattani as an ideal place to raise a Muslim family. Soon after moving to Cabangtiga, however, he concluded that the Malays there were unwilling to study, too lazy to work hard enough to earn a decent living, irresponsible to their wives, and neglectful of their children. "Why learn Malay", he asks, before answering, "You can only use the language in Pattani, Yala, and Narathiwat – that's all!" One of Ased's few Malay friends is Razak, with whom he has breakfast at Omar's once a week. Razak arrives with his only daughter, whom he is about to take to the demonstration school run by the Prince of Songkhla University (PSU), acknowledged as the best school in town. Over breakfast Razak mentions his daughter's inability to speak Malay. Countering Ased's arguments Razak points out that proficiency in Standard Malay allows one to work and travel throughout most of Southeast Asia. Yet despite being bilingual himself, Razak clearly prefers Thai – even with comfortably bilingual Malays. His Malay is also marked by the extensive use of Thai technical terms. Razak's government job and business interests (which together occupy much of his time and energy) are all conducted in Thai. While he laments his mother's inability to communicate with her granddaughter, Razak pragmatically states that this is one of the sacrifices necessary for his daughter to get ahead. One morning after Razak had left, Ased confessed to me his concern at Razak's business interests, the fact that he rarely performed *salat* at the local *surau*, and his reluctance to discuss religious issues. He fears that Razak is following the ways of the world too much. Despite these concerns, however, Ased regards Razak approvingly as one of the few hard-working Malays he knows.

Omar's patrons represent the range of language loyalties and identities that exist among Cabangtiga's Muslims. Apart from the occasional Thai Muslim like Ased most are comfortably bilingual Malays. While some Malays over 60 (like Pak Mat) are unable to

speak Thai, a growing number under 20 (such as Razak's daughter) no longer speak Malay. Studies of Muslim society in the far south employ a range of exonyms and autonyms to describe their subjects, resulting in the use of a range of convoluted terms.[3] This chapter considers the dynamics of identity representation and articulation in Thailand's southern border provinces. The chapter begins by surveying a number of historical and theoretical studies on the formation of ethnicity in the region of the Straits of Melaka, with a particular focus on the emergence of the concept of "Melayu". It then discusses a number of everyday autonyms and official exonyms used in Thailand's border provinces, such as "*ore Nayu*", "Malay Muslim", "*ore Jawi*", and "Thai Muslim".[4] Finally, it considers the range of factors that influence the terms that are employed by Muslims themselves.

On "Melayu" Identity

In his *Leaves of the Same Tree: Trade and Ethnicity in the Straits of Melaka*, Leonard Andaya develops a persuasive argument. Although Melayu, Minangkabau, Acehnese, and Orang Laut create ethnic boundaries that establish different identities, they are at the same time "leaves of the same tree". Ethnicity emerges as groups encounter each other resulting in names being given and ethnic affiliations being made (Andaya 2008: 11). In the Straits of Melaka region in pre-colonial times, where goods and ideas from China, India and the Middle East were exchanged, the process of ethnic formation or "ethnicization" was an ongoing process in which trade was the principal catalys (2008: 14). Trade exposed groups living along its shores to new possibilities of ethnic and religious affiliation. Andaya suggests that this situation resembled the more modern phenomenon of porous borders and the transnational activities of individuals, which Arjun Appadurai describes as constituting an "ethnoscape" (2008: 9).

Although theories of ethnicity range between the poles of the circumstantialists and the primordialists, another group of scholars position themselves between the two (Leach 1954; Barth 1956: 1079-89; 1969; Geertz 1963). This group recognizes that while ethnic groups play an ongoing and active role in redefining the cultural elements that constitute their identity, the process is, at the same time, anchored by the group's insistence that it possesses an essential core which distinguishes it from other groups. In other words, while accepting the primordial aspects of ethnicity, these identities are fluid and multi-layered, and are continually being adjusting to changing circumstances (Pitsuwan 1985; Suhrke 1977: 237-50; Ladd Thomas 1982: 156-79; Chavivun 1980; Dorairajoo 2002; Le Roux 1998: 223-55; Chaiwat 1993: 195-218; Chiawat 2005; Kobkua 2000: 162-79). Although constant intermingling and the exchange of biological and cultural elements would seem to undermine arguments for distinctive

primordial ethnicities, ethnic groups nevertheless persistently desire to both underscore distinctiveness and to define themselves in such a way as to promote the group's interests (Andaya 2008: 11).

Clear dissimilarities exist between ethnicity in pre-colonial Southeast Asia and that of today, the most important obvious of these being religion's present subordination to markers of ethnicity. Andaya argues that while modern international conventions confine individuals within a fixed space, thereby imposing on them a specific legal identity, ethnic identity in the pre-colonial era was marked by plurality and porosity. The decision to adopt one or more ethnic identities was also the privilege of the individual. Such porosity in notions of ethnic identity presented a problem for Southeast Asian rulers anxious to retain their subjects and attract others, given the conditions of chronic under-population at the time. The ethnic consciousness of groups in the region (including those in Southeast Asian port city-states such as Patani), was also affected by frequent contact with a range of foreign "others", including Chinese, Indian, Arab, and European traders. Difference was expressed through a range of ethnic markers, including what food was eaten, what language(s) were spoken, how one's hair and dress were worn, or how sarongs were tied. All these markers were capable of functioning as indicators of identity that established ethnicity. During times of rapid change these markers could be altered or abandoned enabling individuals and groups to "strategically deploy one or more identities in different circumstances to maximize advantage" (Andaya 2008: 10). Different communities adapted to change in different ways. Some detached themselves from a "larger ethnic identity to form smaller and more effective units, whereas others saw greater advantage in becoming affiliated with a larger ethnic group" (2008: 3). The diverse strategies employed were motivated by the desire to maximize the group's current advantage. In spite of the existence of ethnic labels membership could expand or contract depending on the circumstances. As such ethnicity was "far more than simply a form of identification, [but] also function[ed] to protect the group" (2008: 235).

Andaya considers specific examples of the plural and porous nature of pre-19th century Melayu identity. He argues that soft boundaries existed between "Melayu", "Batak", or "Minang", which enabled individuals to move between these identities in order to maximize their personal advantage in different circumstances. Even if an ethnic name survived ethnic boundaries were rarely rigid but shifted over time in response to changing circumstances (2008: 237). As is well known following their migration from Borneo to southeast Sumatra (before spreading to the rest of the island) the Melayu were the most influential ethnic group in the Straits of Melaka (Collins 2004:

168-80). As a result, from the seventh century Melayu dress and customs were adopted in many parts of Sumatra, and Melayu became the language of government and the marketplace in the polity of Sri Vijaya which then dominated the region. When the Melayu had become established in the Thai/Malay peninsula by the 15th century distinct Minangkabau, Acehnese, and Batak ethnicities had emerged in Sumatra. The term "Melayu" was thus capable of referring to a language, culture, regional group, polity, or local community. Andaya considers this development to have "spawn[ed] a wide variety of interpretations concerning its meaning and significance" (Andaya 2008: 14).

Other scholars have made similar observations. For Adrian Vickers, Melayu is a "fraught" term, covering as it does a multitude of possible identities formulated in reaction to different waves of migration to the Malay peninsula and colonial intervention (Vickers 2004: 40-55). Evidence from excavations on Peninsular Malaysia reveal the presence of Mon-speaking peoples linked to Mon civilizations further north who are thought to have adopted Islam and become Melayu in the 12th century (Andaya 2001: 319; Benjamin 1997: 92-3). Andaya proposes that the pre-Melakan inhabitants of the peninsula were divided between the Mon-Khmer-influenced populations from the north and those from the southern peninsula influenced by Austronesian culture. This situation changed in the 15th century following the foundation of Melaka by Melayu immigrants from Palembang (Andaya 2004: 72). In addition to their later adoption of Islam northern kingdoms such as Kedah also continued to be subject to both Mon-Khmer and Melayu influences. Shamsul adds that non-Muslim groups in the pre-European era were designated "Malay" on the basis of their use of the Malay language and their practice of a Malay "way of life", meaning their dress, culinary practices, and participation in a Malay-speaking trading network (Shamsul 2004: 143). Barnard concurs, claiming that in the 18th-century Melaka Straits region Malay identity was adopted in Siak *before* a mass "adhesion" to Islam. Furthermore he claims that although religion constituted an important element of Malayness, this identity was primarily based "on a common trading culture along the Melaka Straits and the South China Sea" (Barnard 2004: 108).

Such scholarship on the subject of ethnic formation in pre-colonial Straits of Melaka suggests that ethnic groups in the region were formed due to contact with outsiders as a result of trade. The motivation for establishing difference was the desire to maximize the group's advantage. Boundaries between ethnic groups were porous permitting the existence of plural identities which had an instrumental function for both individuals and groups. This model of plural and porous ethnicities of the pre-colonial era is juxtaposed with

the articulation of Muslim identity in present-day Pattani through the use of a range of everyday autonyms (*ore Nayu,* and *ore Jawi*), and official exonyms (Malay Muslim, and Thai Muslim).

Everyday Autonyms and Official Exonyms

Let us begin by dealing with the everyday autonym *ore Nayu* employed by Thailand's southern Malays. First discussed by the Thai scholar Chavivun Prachuabmoh *ore Nayu* has been most extensively analyzed by Saroja Dorairajoo (Chavivun 1989: 130-35; Dorairajoo 2002; Tsuneda 2009). While *Nayu* may be considered nothing more than the Patani dialect's rendering of "Melayu" Dorairajoo argues that this is the preferred autonym used by the Malays of Pattani, Yala, and Narathiwat provinces and constitutes a strategic device in a culture of negotiation which has enabled *Nayu* fishing communities to adapt to life in the modern nation-state of Thailand (Dorairajoo 2002: 2-3). Such negotiation includes, for example, cooperating with Thai-Buddhist NGOs to fight for their rights as Thai citizens for equal access to natural resources. This struggle provided the impetus for many local Malays to either learn or greatly improve their ability to speak, read and write Thai, which in turn has resulted in a greater consciousness of Thai identity (Dorairajoo 2002a: 110-56; 2002b). It did not, however, result in their Malayness being downplayed since they continued to identify themselves as '*ore Nayu*' to outsiders. Another example of negotiated identities between the Thai and Malay worlds cited by Daorairajoo is that of *Nayu* men who seek employment in Malaysian restaurants needing Muslim cooks capable of making "authentic Thai food", which has become popular in Malaysia (2002a: 159-233). As Thai citizens these "Malay" immigrant workers in the country of their ethnic kin are obliged to conceal their official Thai identity and work illegally (2002a: 365).

Dorairajoo argues that far from being a recent phenomenon such negotiation with external forces in the performance of ethnic identity represents an important motif in *Nayu* history (2002a: 11-12). For example, in the *Hikayat Patani*'s famous account of the Raja of Patani's adhesion to Islam following his pledge to Sheik Said if he were cured of a skin disease, the Raja merely abandoned the worship of idols and the consumption of pork while not giving up a single one of his heathen habits. Becoming a "minimalist" Muslim enabled the Raja to keep both his promise to Sheik Said as well as to preserve older animist traditions such as worshipping trees and stones and making offerings to spirits (Teeuw and Wyatt 1970: 152, 144). Such pragmatism in conversion to Islam was, in fact, not uncommon in Southeast Asia. Michael Laffan notes, drawing upon the work of Nehemia Levtzion, that the early history of Islamization in Southeast Asia was characterized by an "adhesion" to Islam without a rigorous adherence to its prescriptions. It typically involved the taking of a

Muslim name, forsaking pork, destroying idols, the circumcision of men and wearing the hair short (Laffan 2003: 12; Levtzion 1979: 1-23). Another example was Patani's policy of simultaneously maintaining tributary relations with both Ayutthaya and Malacca in order to safeguard its prosperity (Kobkua 1988: 6-7; Che Man 1994: 117; Bougas 1994: 77). Dorairajoo further questions Patani's status as a 'Malay' kingdom. Not only are there no references in the *Hikayat Patani* to "Melayu" (apart from references to the kingdoms of Melaka and Johor), there appears to be no desire to present Patani as part of a wider Malay cultural or ethnic unity. Indeed, the chronicle's account of a royal visit to Johor dwells on the differences between these kingdoms (Dorairajoo 2002a: 354).

Unlike the everyday autonym *ore Nayu* "Malay" is employed as both an autonym and an official exonym. Commenting upon Malay identity in Thailand Seni Mudmarn regards "Malay" as a noun that reflects the major traits of a distinctive ethnic group while the double-barrelled "Malay-Muslim" emphasizes the inseparability of Islam from Malay ethnicity (Mudmarn 1994: 32). Not only do Malay language, customs, and religion make the Malays distinct from Thais (despite their being Thai citizens), Mudmarn also insists that Islam is inextricably bound to Malayness. After all, no one speaks of "Malay Buddhists", or "Malay Christians" (Mudmarn 1994: 39). Imtiyaz Yusuf similarly argues that ethnicity and religious identity are closely interwoven in present-day day conceptions of Malayness in southern Thailand. "Ritual, mythic/narrative, experiential/emotional, ethical and legal, social, material, and political dimensions of life are all interpreted and perceived through the lenses of ethnic identity" (Yusuf 2007: 8). This intermixing of Malay ethnicity and Islam has resulted in a distinctly ethnocentric view of Islam, as the autonym *ore isle* indicates.

The argument that Malayness and Islam are inseparable is challenged by Chaiwat on two points. The first is his criticism of the privileging of race over religion. Chaiwat points out that Islam is universal whereas Malayness refers to the cultural characteristics of one ethnic / racial group; Malayness is less accommodating than Islam. The second is Mudmarn's denial of the possibility of the conversion of Malays to other religions. Chaiwat regards the Malay element of the Malay-Muslim exonym as an adjective (Chaiwat 1992: 30-31). Indeed, the inseparability of Islam from Malayness is commonly challenged by Muslims in Cabangtiga who denounce the taking of drugs, the playing of computer games, and karaoke-singing by Malay youths, declaring that while they may be Malays—they are not Muslims.

My juxtaposition of Razak and Be Heng above demonstrates the considerable variation in the use of Malay language and the degree of national loyalty among Cabangtiga's middle-class Malays who have

successfully integrated into the Thai state. This is despite the fact that both Thai and Malay-speaking Malays in Pattani habitually refer to the Malay language as *phasa Islam* (Th.), or *paso Melayu/Nayu* (PM.). With respect to the issue of the importance of the Malay language to Malayness, Razak is located at the opposite end of the spectrum to Pok Mat. The latter is unconcerned with his inability to speak Thai. He regards the Thai greeting made by bringing one's clasped hands to one's face (*wai*) as having religious connotations. Pok Mat asserts that attending Thai schools leads to a dilution of one's Malay identity, and is sceptical that Malays benefit from being sent to overcrowded, understaffed, inadequately-resourced Thai schools where they tend to underachieve. Pok Mat's view is part of a general disillusionment in the region with successive Thai governments which are commonly seen as violent, inconsistent, and corrupt – perceptions that have only increased as the current violence continues. By contrast, Razak resembles urban Malays in Malaysia who are sometimes referred to as "*Melayu baru*".[5] Virginia Matheson-Hooker notes that increasing numbers of Malays in Malaysia and Singapore are now unable to speak Malay, which, along with changes in the practice of Malay *adat* among urban Malay communities, undermine two (of the three) elements of Malayness as officially defined in the 1957 Malaysian constitution (Hooker 2004: 159).[6]

Similar to Malaysia's "*Melayu baru*" who use English considerable numbers of Malays in Pattani, Yala, and Narathiwat now prefer to speak Thai over Patani Malay. These "Malays" are increasingly comfortable with the term "Thai Muslim". The attitude of this new generation to the Thai language is a far cry from that of the Malay *'ulama* in the early 20th century, who when directed by Thai officials to translate the Islamic legal corpus from Jawi into Thai put up great resistance. As discussed in Surin Pitsuwan's study of Malay nationalism, over and above the enormity of the task and Malay suspicions about the Thai government' political agenda, the main reason for the *'ulamas* refusal to do as directed was their insistence that Thai was not the language of Islam (Pitsuwan 1985: 135). This attitude contrasted, however, with that of the Thai-Muslim "modernists" who as early as the 1930s gave great importance to the translation of the Qur'an into Thai (Yusuf 2007: 11).

A second commonly used autonym is *ore Jawi.* According to Le Roux, *ore Jawi* is the most spontaneous autonym used by the Muslims of Pattani, Yala and Narathiwat, despite the fact that it is not an official label of ethnic identity nor widely used outside the community (Le Roux 1998). As is well known, *Jawi* not only denotes the Malay language written in a modified Arabic script but is also the term used in the Middle East to refer to Southeast Asian Muslims. The continued use of *Jawi* literature by Malays in southern Thailand at a time when it is increasingly marginalized in other parts of Southeast Asia (where *Jawi* has been substituted for "Rumi", Malay written in

Roman letters) can be considered an additional identity marker. While other Southeast Asian Muslims may refer to themselves in the Middle East as "Malaysians" or "Indonesians" – political independence having provided them with valid exportable nationalities – southern Thai Malays continue to travel abroad as "*Jawi*". This is considered their official name outside the country, most notably in the Hijaz. *Ore Jawi* thus now serves to distinguish the Malays of southern Thailand from Malaysians and Indonesians. While *ore Jawi* were once the subjects of the Malay sultanate of Patani they are now inhabitants of Thailand by way of territorial absorption. They are religiously Muslim speaking an Austronesian language that is a member of the Malayo-Polynesian language family which is distinct from the Thai of the Tai-Kadai language family. As Le Roux puts it, the *ore Jawi* "belong to all of these worlds without fusing with any single one" (1998: 233).

While perhaps appreciating their similarities to Malays elsewhere (particularly in Kelantan and Terengganu) Le Roux believes the *ore Jawi* possess unique cultural attributes. They build distinctively constructed and painted *kolek* boats, breed zebra-doves for singing competitions, produce a distinctive salty fish sauce (PM. *budu*), speak a Malay dialect replete with monosyllabication and tonalisation, and possess an impressive multilingualism, described by Le Roux (1998: 244) in the following manner:

> ... They submit themselves to incredible intellectual gymnastics... by the age of thirty, for example, [they] have undergone hefty instruction. They have studied spoken and written Thai [...] as well as written Arabic and the *Jawi* writing system; they have learned their own dialect and know the nuances of the dialects in the region; they are likely to know some standard Malay [...] They are polyglots who jump quickly from one language to the other. When they read *orang* in a text of standard Malay written in *Jawi* script, they correct automatically and pronounce it *ore*, which translates to *khon* in Thai [...] depending on the person they are talking with. Most astonishingly, they are capable of thinking *ore* but writing *orang*, and pronouncing *orang* when they know that the listener is Malay or understands Malay but no *Jawi*. When they meet someone who addresses them in standard Malay, the *Jawi* respond similarly, as if the language spoken to them were their own proper dialect, and thus they very often distort the inquiries of official linguists with the same ease they handle an imposing series of ethnonyms ...

Le Roux claims that urban Malays, such as Omar's patrons, are less likely to refer to themselves as *ore Jawi* due to the name's connotation of "hillbillyness" (1998: 248). Perception of one's social status thus also plays a role in the choice of autonym. Members of the educated urban Malays rarely refer to themselves *ore Jawi*, something which is

lamented by Le Roux who considers that the term's strength lies in its neutrality and the fact that is has not been imposed by outsiders. Its wider use would avoid the problem of contested exonyms and lengthy neologisms.

In addition to the names *ore Nayu*, Malay, and *ore Jawi*, considered above, the final term to be discussed is the official exonym "Thai Muslim". Some local Muslims reject this term on the grounds that in their view it is an oxymoron, meaning "Buddhist-Muslim" (1998: 243). Both "Malay Muslim" and "Thai Muslim" are terms that are closely related to competing Malay and Thai nationalisms that have developed since the early 20th century (Roff 1967; Kobkua 1988). The forced imposition of an official "Thai Muslim" identity in the late-1940s provoked much resentment and resistance. In 1947, the religious reformer and Malay activist Haji Sulong requested that the government honor them with "the title of Malay Muslims so that we may be recognized as distinct from the Thai by the outside world" (Diller 1988: 155-67). An additional weakness of the term "Thai Muslim" today is its inability to differentiate between Muslims of Malay ethnicity living predominantly in the border provinces who speak Malay, and the Thai-speaking Muslims who live further north. Yet while one might surmise that "Thai" and "Malay" Muslims represent two cultural poles of Muslim society in Thailand, this assertion is problematic. First and foremost it downplays the Malay origins of many Muslim communities in the upper south and in Bangkok. Raymond Scupin claims that 70 percent of Bangkok's more than 150 mosques (at the time of his research in the late 1980s) were built by the descendants of Malay prisoners of war taken in Thai military campaigns in the south in the late 18th and early 19th centuries and who later settled there. In 1828 an estimated 3,000 Malays resided in Bangkok, a number which tripled following King Rama III's 1932 campaign. These prisoners were resettled in what are now Bangkok's eastern extremities and provided the labor for the Chakri dynasty's major construction projects such as the digging of canals. The most famous of these is the Saen Saep canal which runs eastwards from the center of Bangkok. As Scupin notes, anyone travelling along this canal will "find it punctuated by mosques which have been erected on both the east and west sides" (Scupin 1998: 239; see also Wenk and Stahl 1968). Scupin's claims are supported by Louis Golomb's study of multi-ethnic healing between Buddhists and Muslims in Pattani, Songkhla, and Bangkok. He points out that the majority of Bangkok's Muslims continue to share many similarities with the Malay communities of the southern border provinces of their ancestors (Golomb 1985: 8; Tadmor 1991: 69-84; 2004: 511-31; Umaiyah 2003). The legal rulings of Bangkok's traditionalist *ulama* on contested customary practices are also oriented towards Islamic legal norms in the Malay-Indonesian world (Scupin 1998: 239; 1978: 178). Finally it should be noted that many of the place names in the

mid-upper south are of Malay origin, the most obvious example of which is the tourist attraction of Phuket, being derived from the Malay term for mountain, *bukit.*

While Muslim immigrants from Thai-speaking provinces (such as Ased) and Thai converts to Islam generally have no objection to being referred to as Thai Muslims, this is not the case for some Malays – even those who have lived or studied in Bangkok – which demonstrates the enduring strength of the association of Islam with Malay identity. Many speak disparagingly of Bangkok Muslims' knowledge of and adherence to Islam. As Be Heng once exclaimed to me in primordialist tones, "These people there are not Malays! The government likes to say to us in Pattani, 'Look! These guys are Muslims and they speak Thai – you can too!' – but these people are not Malays!"

Factors Affecting Autonym Selection

This chapter has described some of the everyday autonyms and official exonyms with which Muslims in southern Thailand refer to themselves and are referred to by others. Let us now look at the factors affecting the use of each term, which Le Roux summarizes as being dependent on the interlocutors' ethnicity, status, degree of assimilation into the Thai state, and the language in which identity is articulated (Le Roux 1998: 244).

While the use of autonyms is partly dependent on ascertaining the ethnic identity of one's interlocutor, in a diverse community such as Cabangtiga this identity is not always apparent. Clues to the ethnicity of one's interlocutor may be the type of greeting used, their attire (for example, the wearing of a *sarong, piyo', hijab*, long skirt or long-sleeved blouse), diet (avoiding eating pork), or jewellery (male avoidance of gold rings). While language is sometimes capable of indicating ethnicity the presence of both Thai-speaking Muslims and Malay-speaking Buddhists on both sides of the border make language at best an unreliable indicator (Carstens 1986; Winzeler 1985; Kobkua 1994: 135-62; 2000; 2008). Indeed, as James Collins notes, groups speaking even the same dialect of Malay may not necessarily share the same ethnicity (Collins 2004: 179-80).

The role played by language in the selection of autonyms and exonyms can be illustrated by the following anecdote of an incident at the Tak Bai border crossing involving a Malay neighbor of mine. While processing paper work that would allow him to drive his Thai registered vehicle in Malaysia, the Malaysian official referred to him (in Malay) as an *orang Siam*. My neighbor was unable to conceal his anger that a fellow Malay had (perhaps inadvertently) referred to him by a term he understood to mean "Thai Buddhist". While in Standard Malay the term *orang Siam* is ambiguous – it may refer either to "Thai Buddhists" or "Thai nationals" – in Patani Malay *ore Siye* clearly

connotes “Thai Buddhists”. It should also be noted at this juncture that some Malays in Cabangtiga take exception to being called in Thai “*khon Malay*”, a shortened form of the term “*khon Malaysia*” which refers to Malaysian nationals, since these Malays insist that they are in fact Thai citizens.

Malays in Cabangtiga employ a number of autonyms, referring to themselves in Malay as *ore Taning* (“Patanians”), *anok Taning* (“a child of Patani”), *ore Sining* (a local), *ore Melayu* or *ore Nayu* (“a Malay”), and *ore Jawi* or *ore Isle* (“Muslims”). In Thai the terms *khon thi ni* (“people from here”), *khon phuen thin* (“a local”), or *khon Thai Muslim* (“a Thai Muslim”) may be used. Here again there is a distinction with the Thai–speaking Muslims from the upper south who commonly refer to themselves using the Thai term *khaek,* a term which is felt to be highly offensive to the Malays in the far south.

Finally, one’s degree of assimilation and/or acceptance of official government norms also affect how Malays articulate their identity. For example, in the presence of Thai officials suspected of holding discriminatory attitudes towards the local Malays unassimilated Malays might accentuate their Thai-ness by not wearing a *sarong*, or *piyo’* and will introduce themselves with a Thai name. However these measures would not be necessary with an unthreatening Thai Buddhist interlocutor of similar status.

By way of illustration consider the autonyms chosen by a native of Pattani when addressing a Malaysian, a friendly Thai, a less-friendly Thai (in Thai), and an English-speaking foreigner, respectively. To a Malay from Malaysia (especially Kelantan), he may refer to himself as *ore ‘taning,* or *anak tani*, since it is immediately obvious that he is a Malay (as he speaks a particular dialect), a “Muslim” (due to the greeting used), and from Thailand (everyone knows where Patani is located). To a friendly Thai, Malays might refer to themselves in Thai as *khon Melayu*, since their Thai citizenship is so obvious that it does not warrant being mentioned. To a less friendly Thai, however, the term “Thai Muslim” might be preferred. Those conversing with an English-speaking visitor are unlikely to use any of these terms, usually preferring to identify themselves as “Muslim”.

This chapter has described the variety of ways in which Muslims in Thailand’s southern border provinces refer to themselves and are referred to by others. It has also highlighted the role played by the language, ethnicity and social status of the actors in the choice of autonym. Let us conclude by addressing three questions that might be raised in light of both Andaya’s model of ethnic formation in the Straits of Melaka in the pre-colonial period and circumstantialist theories of ethnicity.

First, to what extent can the *Buddhists* and *Muslims* of southern Thailand be seen in Andaya’s terms as “leaves of the same tree”? The anthropologist Louis Golomb suggested as much in his claim (albeit almost three decades ago) that local Thais and Malays possess

neither clearly bounded cosmologies nor strictly delimited socio-cultural traditions. Due to the range of folk beliefs that correspond neither exclusively to Buddhism nor Islam Golomb describes a "region-wide system of multiethnic strategies for harnessing supernatural power" (1985: 1). Golomb's view resembles that of later scholars such as Horstmann who writes of a "shared cosmology", and the southern Thai scholar Suthiwong Phongphaibun, who describes the "bonds of brotherhood" between Buddhists and Muslims on the Thai/Malay peninsula that are obvious in many shared local cultural practices (Horstmann 2004: 93; Sutthiwong 2008: 327-35). There is, however, a contrary view to this model of cultural accommodation. One should not overlook the importance of such factors as the southern expansion of central Thai political control over the peninsula from the late 18th-century, the rise of competing Thai and Malay nationalisms in the 20th, and the on-going effects of reformist Islam on Malay customary Islam. Indeed, Imtiyaz Yusuf argues that today the region is home to two exclusive ethno-religious worldviews, the Malay *agama* and Thai *sasana*, which are now in competition with each other (Yusuf 2007: 19).

In what ways do the Muslims of southern Thailand today exhibit the plural and porous identities described by Andaya? As Chaiwat argues, through their local (Malay), national (Thai) and global (Islamic) identities, Thailand's southern Muslims are connected to one billion Muslims worldwide, 200 million other Malay-speakers in Southeast Asia, and 62 million Thai citizens. Far from being fixed and compartmentalized their composite identities are continually being negotiated due to the need to steer a difficult path between universal and ethnocentric idioms (Chaiwat 2005: 3).

Finally, are there more recent examples of the fluid process of ethnic formation that Andaya argues existed in the pre-colonial period? As we have seen, the majority of Bangkok's "Thai Muslims" were descendants of Malay prisoners of war. Their apparently successful assimilation today may be seen as a pragmatic response to their forced relocation, aimed at bringing about the maximal benefit for the group. This adaptability resembles that of many urban Malays in Cabangtiga like Razak. Although time alone will tell, his daughter seems likely to eventually join those who choose "Thai Muslim" as their preferred autonym. This choice, however, is one which Be Heng's children appear less likely to make. On the other hand, Pak Mat's continued preference to be referred to as "Malay" relates to his minimal contact with the Thai state in which he resides and is a citizen. In this Pak Mat may be seen as more typical of the region's rural Malays than of those in Cabangtiga. While Pak Mat has so far successfully avoided change, whenever change is unavoidable it can be seen that Malay responses will vary, as the examples of Razak and Be Heng clearly demonstrate.

Notes

1 In Thai, *rongrian ekachon sorn satsana Islam*.

2 The following abbreviations for languages will be used in this chapter: "PM." for Patani Malay, "SM." for Standard Malay; and "Th." for Thai.

3 Such exonyms include "Patani-Malays", "Malay-speaking Muslims", "Thai-Muslims in the four southern provinces", "Thai Malay Muslims in the three provinces", "Thai-Muslims (The Malay Speaking Group)", "Thai Muslims of Malay ethnicity", etc.

4 These are referred to by Shamsul as "everyday-defined", verses "authority-defined" identity discourses (Shamsul 1996: 566-600).

5 The term *Melayu Baru* (SM. "new Malay") is associated with the "Vision 2020" initiative of the Malaysian government launched by Prime Minister Mahathir Mohamed in 1991. Diverse evaluations of *Melayu Baru* have been offered. Goh Beng-Lan regards the term as a "complex idiom carrying the intricacies of national cultural politics and ethnic-based economic programs" (Goh 2004: 42). For Kahn it specifically refers to Malaysia's corporate sector and political elite (1996: 67). For Shamsul the term more generally denotes Malaysia's emerging middle class which is a modern version of its pre-NEP predecessor "Orang Kaya Baru" (Shamsul 1999: 60).

6 Article 160 of the Constitution of Malaysia defines a Malay as someone who professes to be a Muslim, habitually speaks the Malay language, and adheres to Malay customs. According to Aziz and Shamsul, "the Malaysian Constitution became the single most important modern institutional tool that has moulded and conditioned Malaysian Islam" (Aziz and Shamsul 2004: 341-56).

NINE

Conclusion

Kamaruzzaman Bustamam-Ahmad and Patrick Jory

The book has outlined some of the major new directions being taken by young scholars in the field of Islamic studies and Islamic thought in Southeast Asia. The starting point for each author has been to focus on specific problems within the countries in which they work. Underlying the issues they examine, however, is the larger question of Islamic cosmopolitanism, that is, the increasing importance of pluralism and cultural hybridity in Southeast Asian Muslim societies, and the rapidly growing interaction between Southeast Asian Muslims and the outside world. These chapters examine numerous domestic problems within a particular Southeast Asian state, which each author attempts to understand by utilizing as their tools of study various social science methodologies and recent scholarship in Islamic studies more generally. This method has also been used by senior scholars in Islamic studies where they have attempted to explain the position of Islam in the contemporary era (Nathan and Kamal 2005). But locating Islam in the context of global issues is not quite the same as studying developments in Islam at the local level. At the global level, for some years now the study of Islam and Muslim societies has been connecting and interacting with the scholarship on Christianity and Judaism. In the local context, however, the study of Islam cannot easily be separated from the reproduction of understanding among its followers, which is grounded in both the everyday problems faced by Muslims as well as the more otherworldly aim of achieving the ultimate spiritual experience. Scholars who live and conduct their studies of Islam and Muslim society at this local level work with an understanding of Islam that derives at least partly from the experiences of their fellow Muslims in the local community. Thus, the study of Islam within both the global and the local context naturally draws scholars towards multi-disciplinary approaches and methodologies (Voll 2007; Juergensmeyer 2003).

The contributors to the book all live and work in predominantly Muslim regions of Southeast Asia (specifically Indonesia, Malaysia and the lower region of southern Thailand). At the same time they have studied in Western academic institutions. They are familiar with and regularly interact with the world of international scholarship. This young generation of scholars has undertaken their PhD studies during the 2000s. As a result not only are they physically close to – and in some cases active participants in – some of the most pressing issues facing Muslim societies in Southeast Asia today, but they are also equipped with the latest international academic methodologies to understand these issues. Prominent among the issues under examination is the problem of the relationship between Islam and government. Fox example, in the case of Indonesia, both Muslims and non-Muslims have been debating the issue of "Liberal Islam", legal pluralism and the issue of *Shariah* law, and the role of Islam in local and national politics over last two decades – particular since the collapse of the New Order regime in 1998. Similarly, in the context of Malaysia's race-based political system the politicization of Islam has raised the question of the level of state control over Islam. In the case of southern Thailand, the subject of Islam is inseparable from the issue of the political, religious and cultural rights of the minority Muslim community in a majority Buddhist state. What is characteristic of the approaches taken by the authors in this book is that all have examined these issues from historical, sociological, political as well as hermeneutical perspectives.

The chapters all respond primarily to local and national, rather than international issues. In Southeast Asia it is argued that even though Islam in many respects is highly localized, some scholars regard Islam as forming a broader regional community which could be called a "Muslim zone" (Federspiel 2007). When religion becomes territorial then it can be said not only to represent a belief but also to be an asset for political power. Historically, the first association of Islam with politics in Southeast Asia took place with the Islamization of kingdoms – sultanates – that utilized Islamic social and political concepts – a tradition that has been kept alive in a modernized form in the Sultanate of Brunei (Mansurnoor 2011). The coming of the European colonial powers and the new conceptions of social and political organization which they attempted to introduce resulted in a challenge to the values and spirit of Islam as a source of political power. Although postcolonial political elites attempted to establish new states based on Western political concepts, colonial rule had not been able to completely displace Islam as a source of cultural power. Following World War II the study of Islam in Southeast Asia was profoundly influenced by the application of social science methodologies by Western scholars. Perhaps foremost among them was Clifford Geertz, who influenced a generation of scholars of Islam in Southeast Asia, Western and Southeast Asian alike, with his famous

study of the Islamic tradition in Java (Geertz 1960; 2002). Another phenomenon which has greatly affected the study of Southeast Asian Islam has been the policy of Southeast Asian governments to send young Muslim scholars to pursue their degrees in the West (especially the United States and the United Kingdom), largely (though not entirely) replacing the much older tradition of scholars travelling to the Middle East to pursue religious studies. On their return these scholars have assumed prominent places in educational institutions as well as in government. In other words, the modern study of Islam and Muslim society cannot be separated from the broader project of the development of the social sciences in Southeast Asia as the dominant epistemology.

The authors have argued in diverse ways that Islamic discourse has increasingly been mobilized to contest ideas and policies promoted by Southeast Asian states. In Muslim-majority countries, and indeed in countries where Muslims form a minority, Islam has in recent decades played a growing role in informing the discourse of opposition groups – whether formal opposition parties, as in the case of the Malaysian political party PAS, Islamic groups and organizations such as the Liberal Islam Network in Indonesia, groups outside of the formal political process, such as Muslims in southern Thailand seeking greater autonomy, and of course, radical Islamic groups. Even in the study of the concept of identity (as in the case of Joll's examination of the issue in southern Thailand) the struggle between the state and local Muslims over the way that Muslims are represented has clear political connotations. In the case of Malaysia, as Kamaruzzaman has shown, the state has made used of discourses such as *Islam Hadhari* for political gain against opposition groups like PAS. Thus, it can be said that over recent decades Islam in Southeast Asia has become a major area of political contestation between the government, political parties, as well as religious organizations and other groups outside of government.

The other theme that runs through the chapters of this book is the issue of Islamic transnationalism and Islamic cosmopolitanism. Growing links between Southeast Asian Muslims and Muslims in the broader Islamic world as a result of the process of globalization in recent decades are renewing the sense of Islamic brotherhood. This idea not only forms the conceptual framework for an abstract community of believers of the same faith, but is also, for some Muslims in the region, the basis of a political ideology (al Jabri 2009). As the various chapters have shown, the foundations for this conceptual framework are widespread and deep. The centuries-old tradition of *pesantren* in Java or *pondok* in southern Thailand and the Malay peninsula has long enjoyed links with Islamic education in the Middle East. This educational tradition and the religious networks that it has helped form have been crucial not only in helping to disseminate religious values and teachings to Muslim followers (Hefner 2009), but also in

contributing to Islam's impact on the political arena. Historically, the spirit of Islam that has come out of the Middle East has provided a means of social mobility for Southeast Asian Muslims, enabling some to reach the pinnacle of power and authority. Today Muslim spiritual leaders, intellectuals, and politicians are attempting to blend this earlier spirit with the more modern political idea of nationalism as well as, more recently, the trend towards democratization, to form a distinctly Southeast Asian Islam.

The new scholarship on Islamic Studies in Southeast Asia, as represented by the chapters in this book, thus appears to be moving in the direction of synthesizing traditional scholarship in Islamic Studies with the new methodologies of the social sciences. The impetus for this scholarship is not a desire to engage in abstract discussions of Islamic principles but rather to apply this knowledge to address some of the most pressing issues in Muslim society in contemporary Southeast Asia. What these essays point to is a new conceptualization of Islamic thought in Southeast Asia, a gradual process of reconstructing Islamic scholarship in the wake of the great disjuncture created by colonization and the rise to prominence of the social sciences.

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LAKPESDAM

LEMBAGA KAJIAN & PENGEMBANGAN
SUMBER DAYA MANUSIA

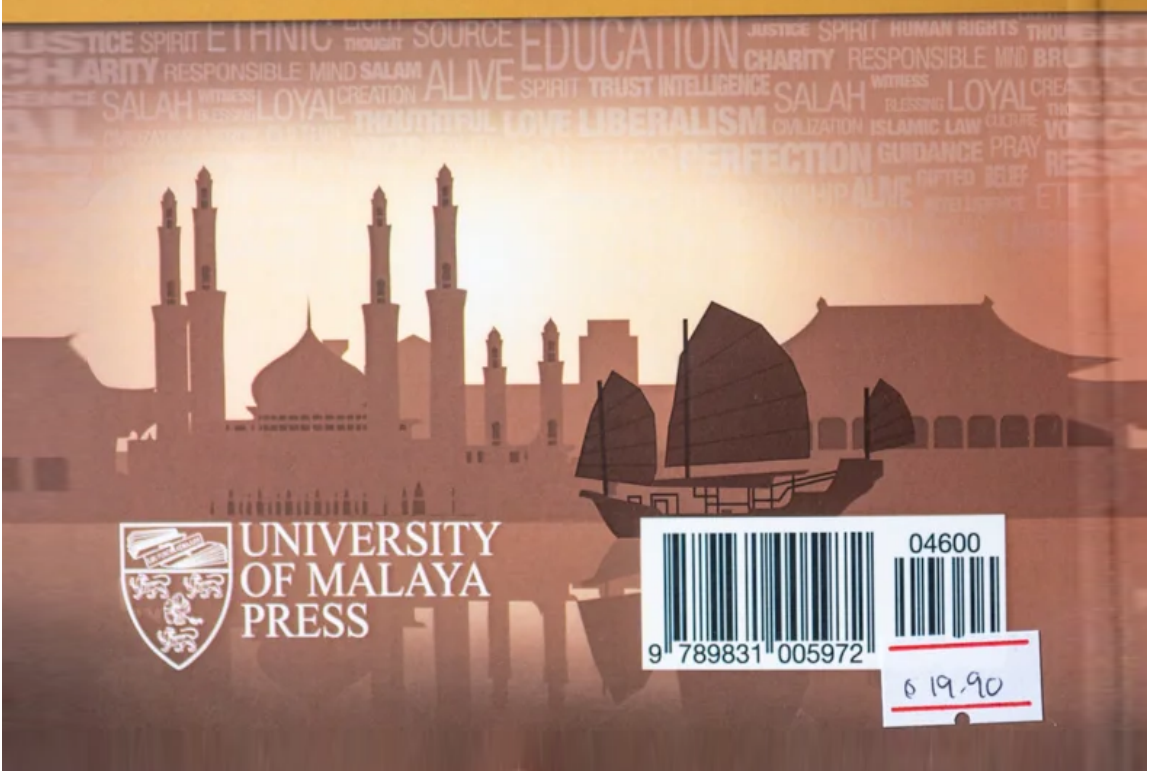
PENGURUS WILAYAH
Nahdlatul Ulama
PROVINSI ACEH

UNIVERSITAS ISLAM NEGERI

SYAIKH NURUDDIN AR-RANIRY

BANDA ACEH

Recent years have witnessed a remarkable growth in scholarship on Islam within Southeast Asia. Underlying this scholarship is a desire to resolve pressing social and political problems facing Muslim communities, an awareness of the significance of pluralism and cultural hybridity within Southeast Asian societies, and the rapidly growing interaction between Southeast Asian Muslims and the outside world. The chapters in this book represent some of the exciting new directions young scholars in Southeast Asia universities are taking Islamic Studies. Themes covered include Islam and liberalism, the diverse streams of contemporary Islamic thought, "neo-Sufi" movements, Islam and human rights, the growing influence of Islamic law, Islam and democratic politics, Islamic education, and the relationship between Islam and ethnic identity.



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